

# SENATE JOURNAL

— 1989 —

VOLUME I

REGULAR SESSION

FIFTY-FIRST LEGISLATURE

# STATE OF WASHINGTON

AT

# OLYMPIA, the State Capitol

1989 Regular Session Convened January 9, 1989  
Adjourned *SINE DIE* April 23, 1989

Compiled, Edited and Indexed by  
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

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

## SENATE CAUCUS OFFICERS

### REPUBLICAN CAUCUS

*Minority Leader* .....JEANNETTE HAYNER  
*Caucus Chair* .....GEORGE L. SELLAR  
*Majority Floor Leader* .....IRV NEWHOUSE  
*Majority Whip* .....ANN ANDERSON  
*Majority Deputy Leader* .....EMILIO CANTU  
*Caucus Vice Chair* .....STANLEY C. JOHNSON  
*Majority Asst. Floor Leader*.....GARY A. NELSON  
*Majority Assistant Whip* .....LINDA A. SMITH

### DEMOCRATIC CAUCUS

*Democratic Leader* .....LARRY L. VOGNILD  
*Caucus Chair* .....FRANK J. WARNKE  
*Democratic Floor Leader* .....ALBERT BAUER  
*Caucus Vice Chair*.....R. LORRAINE WOJAHN  
*Democratic Assistant Floor Leader* .....NITA RINEHART  
*Democratic Whip* .....RICK S. BENDER  
*Democratic Assistant Whip* ....PATRICK R. McMULLEN

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*Secretary of the Senate*.....GORDON A. GOLOB  
*Assistant Secretary* .....W. D. "NATE" NAISMITH  
*Sergeant at Arms* .....GEORGE LaPOLD  
*Secretary to the Secretary* .....MYRNA BEEBE  
*Reader* .....VIC YELLE  
*Minute and Journal Clerk* .....MARY WILEY



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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1989 REGULAR SESSION  
FIFTY-FIRST LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 9, 1989

Pursuant to law, the Senate of the 1989 Regular Session of the Fifty-first Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor John A. Cherberg, President of the Senate.

The Color Guard from the Washington Military Academy, Division of the Washington Army National Guard, consisting of Mark Elliott, Susan German, James Rodrique and Roger Schott, together with the Drum and Bugle Corps from the 133rd Division of the Washington Army National Guard, consisting of Mr. Honrado, Sergeant First Class Lantz, Sergeant First Class Fisher and Sergeant Bradshaw, dressed in the uniforms of the 1889 militia, presented the Colors.

The President lead the Senate in the Pledge of Allegiance.

Dr. Henry S. Rahn, minister at large, of Olympia, offered the prayer.

**MOMENT OF SILENCE**

The members of the Senate stood in silence in memory of former Senator Lowell Peterson who passed away January 7, 1989.

**ROLL CALL**

The Acting Secretary called the roll of holdover members of the Senate: Senators Ann Anderson, Scott Barr, Rick S. Bender, Max E. Benitz, Alan Bluechel, George Fleming, Frank "Tub" Hansen, Eleanor Lee, Dan McDonald, Ray Moore, Gary A. Nelson, Irv Newhouse, Janice Niemi, Brad Owen, Kent Pullen, A. L. "Slim" Rasmussen, Nita Rinehart, Bill Smitherman, Phil Talmadge, Larry L. Vognild, Peter von Reichbauer, Frank J. Warnke, James E. West, Al Williams.

All members were present except Senator Fleming.

**MOTION**

On motion of Senator Vognild, Senator Fleming was excused.

**APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a committee of honor consisting of Senators Bluechel and Niemi to escort the Honorable Robert Utter, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

EDITOR'S NOTE: The following appointments were made after the 1988 Legislative Session.

APPOINTMENTS TO UNEXPIRED TERMS

LEWIS COUNTY AUDITOR  
Post Office Box 29  
Chehalis, Washington 98532

June 3, 1988

Mr. John Pearson  
 Coordinator of Election Administration  
 Office of the Secretary of State  
 P. O. Box 9000  
 Olympia, Washington 98504

RE: Certificate of Appointment, Gary M. Odegaard

Dear Mr. Pearson:

Attached is the Certificate of Appointment and Oath of Office for Mr. Gary M. Odegaard of Centralia, Washington, who was appointed by the Board of Lewis County Commissioners to fill the seat recently vacated by Stuart A. Halsan, Washington State Senator for the 20th Legislative District. Said appointment was effective June 2, 1988.

Should you have any questions, please refer them to the Lewis County Board of Commissioners.

Sincerely yours,  
 GARY E. ZANDELL  
 Lewis County Auditor

KING COUNTY COUNCIL  
 Room 403, King County Courthouse  
 Seattle, Washington 98104

June 8, 1988

Lieutenant Governor John A. Cherberg  
 Office of Lieutenant Governor  
 Legislative Building  
 Olympia, Washington 98504

Dear Lieutenant Governor:

This is to advise you that at the King County Council meeting on May 31, 1988, the Council appointed Gene Lux to the vacancy in the 11th District for the State Senate created by the death of Senator Avery Garrett.

Sincerely yours,  
 DOROTHY M. OWENS  
 Clerk of the Council

SKAMANIA COUNTY BOARD OF COMMISSIONERS  
 Courthouse  
 P. O. Box 790  
 Stevenson, Washington 98648

June 20, 1988

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

Dear Mr. Golob:

Enclosed is a copy of the letter sent to the Washington State Republican Committee appointing George Rohrbacher to the 17th Legislative District Senate seat vacated by Hal Zimmerman.

I am sorry for any inconvenience the delay has caused. I assumed that the Republican Committee had informed you.

Sincerely,  
 ED CALLAHAN  
 Chairman

**EDITOR'S NOTE:** Pursuant to RCW 29.01.180, the following Senators took the Oath of Office for the remainder of the short term, after the certification of election returns in 1988. See the administration of the Oath of Office for these same Senators for their full term of office which took place on this first day of the 1989 Session.

OATH OF OFFICE FOR UNEXPIRED TERMS

## OATH OF SENATOR FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON  
COUNTY OF KING

I do solemnly swear that I will faithfully and impartially perform the duties of Senator, 11th District, as prescribed by law and to the best of my ability, and that I will support and maintain the Constitution of the state of Washington and the United States. So help me God.

SENATOR LEO K. THORSNESS

Subscribed and sworn to before me this 26th day of November, 1988.

JUDGE GERARD M. SHELLAN

## OATH OF SENATOR FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON  
COUNTY OF THURSTON

I do solemnly swear that I will support the Constitution and Laws of the state of Washington, and the Constitution and Laws of the United States, and will to the best of my judgment, skill, and ability, truly, faithfully, diligently, and impartially perform the duties of Senator, state of Washington, as such duties are prescribed by law. So help me God.

SENATOR NEIL AMONDSOEN

Subscribed and sworn to before me this 9th day of December, 1988.

JUDGE WALTER E. WEBSTER, JR.

## OATH OF SENATOR FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON  
COUNTY OF CLARK

I do solemnly swear that I will support the Constitution and Laws of the state of Washington, and the Constitution and Laws of the United States, and will to the best of my judgment, skill, and ability, truly, faithfully, diligently, and impartially perform the duties of Senator, state of Washington, as such duties are prescribed by law. So help me God.

SENATOR DEAN SUTHERLAND

Subscribed and sworn to before me this 13th day of December, 1988.

JUDGE RANDAL B. FRITZLER

## MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of the persons elected to the office of State Senator at the State General Election held in the state of Washington on the eighth day of November, 1988, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

LIST OF STATE SENATORS ELECTED NOVEMBER 8, 1988

DISTRICT	NAME	COUNTIES REPRESENTED
No. 1	Murray (D)	King, part, and Snohomish, part
No. 2	Madsen (D)	Pierce, part, and Thurston, part
No. 3	Stratton (D)	Spokane, part
No. 4	McCaslin (R)	Spokane, part
No. 5	Saling (R)	Spokane, part

No. 9	Patterson (R)	Adams, part, Asotin, Columbia, Garfield, Franklin, part, and Whitman
No. 10	Metcalf (R)	Island, Skagit, part, and Snohomish, part
No. 11	Thorsness (R)	King, part
No. 12	Sellar (R)	Chelan, Douglas, Grant, part, Kittitas, part and Okanogan, part
No. 14	Matson (R)	Yakima, part
No. 16	Hayner (R)	Benton, part, Franklin, part, and Walla Walla
No. 17	Sutherland (D)	Clark, part, Klickitat, and Skamania
No. 18	Smith (R)	Clark, part, and Cowlitz, part
No. 19	DeJarnatt (D)	Cowlitz, part, Grays Harbor, part, Pacific, and Wahkiakum, part
No. 20	Amondson (R)	Lewis, and Thurston, part
No. 22	Kreidler (D)	Thurston, part
No. 23	Craswell (R)	Kitsap, part
No. 24	Conner (D)	Clallam, Grays Harbor, part, and Jefferson
No. 25	Gaspard (D)	Pierce, part
No. 27	Wojahn (D)	Pierce, part
No. 28	Johnson (R)	Pierce, part
No. 39	Bailey (R)	Snohomish, part
No. 40	McMullen (D)	San Juan, Skagit, part, and Whatcom, part
No. 41	Cantu (R)	King, part
No. 49	Bauer (D)	Clark, part

LIST OF HOLDOVER STATE SENATORS

DISTRICT	NAME	COUNTIES REPRESENTED
No. 6	West (R)	Spokane, part
No. 7	Barr (R)	Ferry, Lincoln, Okanogan, part, Pend Oreille, Spokane, part, and Stevens
No. 8	Benitz (R)	Benton, part
No. 13	Hansen (D)	Adams, part, Grant, part, Kittitas, part and Yakima, part
No. 15	Newhouse (R)	Benton, part, and Yakima, part
No. 21	Nelson (R)	Snohomish, part
No. 26	Smitherman (D)	Kitsap, part, and Pierce, part
No. 29	Rasmussen (D)	Pierce, part
No. 30	von Reichbauer (R)	King, part, and Pierce, part
No. 31	Warnke (D)	King, part, and Pierce, part
No. 32	Williams (D)	King, part
No. 33	Lee (R)	King, part
No. 34	Talmadge (D)	King, part
No. 35	Owen (D)	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Moore (D)	King, part
No. 37	Fleming (D)	King, part
No. 38	Vognild (D)	Snohomish, part
No. 42	Anderson (R)	Whatcom, part
No. 43	Niemi (D)	King, part
No. 44	Bender (D)	King, part, and Snohomish, part
No. 45	Bluechel (R)	King, part
No. 46	Rinehart (D)	King, part
No. 47	Pullen (R)	King, part
No. 49	McDonald (R)	King, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington, at Olympia, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State

## FURTHER MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the state measures which were submitted to the vote of the people at the state general election held on the eighth day of November 1988, that the total number of ballots cast at this state general election was 1,923,043 and that the total number of votes cast for and against each of these measure was as follows:

## INITIATIVE MEASURE 518

"Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?"

Yes .....	1,354,454
No .....	414,926

## INITIATIVE MEASURE 97

"Shall a hazardous waste cleanup program, partially funded by a 7/10 of 1% tax on hazardous substances, be enacted?"

AND

## ALTERNATIVE MEASURE 97B

"Shall the legislature's cleanup program with 0.8% hazardous substance tax raising less money, with less coverage of petroleum, be retained?"

FOR EITHER Initiative 97 or Alternative 97B .....	1,307,638
AGAINST BOTH Initiative 97 and Alternative 97B .....	224,486
PREFER Initiative 97 .....	860,835
PREFER Alternative 97B .....	676,469

## HOUSE JOINT RESOLUTION 4222

"Shall the legislature's authority to exempt from tax \$300 of a family head's personal property value be increased to \$3,000?"

Yes .....	1,299,696
No .....	352,807

## HOUSE JOINT RESOLUTION 4223

"Shall the constitutional authority for public utilities to assist residential energy conservation continue and extend to other structures and equipment?"

Yes .....	1,248,183
No .....	379,153

## HOUSE JOINT RESOLUTION 4231

"Shall references in the State Constitution to "idiots, insane, dumb, and defective youth" be removed and new language be added?"

Yes .....	1,354,529
No .....	310,114

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the eighth day of November, 1988, for all federal, state-wide, and joint judicial offices, and that the votes cast of candidates to these offices are as follows:

## PRESIDENT/VICE PRESIDENT OF THE UNITED STATES

Bush/Quayle (R)	903,835
Dukakis/Bentsen (D)	933,516
Holmes/La Riva (Workers World)	1,440
Warren/Mickells (Socialist Workers)	1,290
Fulani/Burke (New Alliance)	3,520
Paul/Marrou (Libertarian)	17,240
LaRouche/Freeman (Independent)	4,412

## UNITED STATES SENATOR

Gorton (R)	944,359
Lowry (D)	904,183

## U.S. REPRESENTATIVE, 1st District

Miller (R)	152,265
Lindquist (D)	122,646

## U.S. REPRESENTATIVE, 2nd District

Swift (D)	175,191
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## U.S. REPRESENTATIVE, 3rd District

Wight (R)	108,794
Unsoeld (D)	109,412

## U.S. REPRESENTATIVE, 4th District

Morrison (R)	142,938
Golob (D)	48,850

## U.S. REPRESENTATIVE, 5th District

Derby (R)	49,657
Foley (D)	160,654

## U.S. REPRESENTATIVE, 6th District

Cook (R)	60,346
Dicks (D)	125,904

## U.S. REPRESENTATIVE, 7th District

Edwards (R)	53,902
McDermott (D)	173,809

## U.S. REPRESENTATIVE, 8th District

Chandler (R)	174,942
Kean (D)	71,920

## GOVERNOR

Williams (R)	708,481
Gardner (D)	1,166,448

## LIEUTENANT GOVERNOR

Pritchard (R)	960,655
Fleming (D)	839,593

## SECRETARY OF STATE

Munro (R)	1,096,057
McKee (D)	653,047

## STATE TREASURER

McLauchlan (R)	839,876
Grimm (D)	915,225



## STATE AUDITOR

Reed (R) .....	770,457
Graham (D) .....	958,206

## ATTORNEY GENERAL

Eikenberry (R) .....	1,103,237
Erxleben (D) .....	686,152

## COMMISSIONER OF PUBLIC LANDS

Boyle (R) .....	853,421
Murphy (D) .....	810,658
Simmons (New Alliance) .....	60,720

## INSURANCE COMMISSIONER

Marquardt (R) .....	977,079
Rainwater (D) .....	752,770

## SUPERINTENDENT OF PUBLIC INSTRUCTION

Heck (Nonpartisan) .....	813,784
Billings (Nonpartisan) .....	831,530

## STATE SUPREME COURT, Position 1

Brachtenbach (Nonpartisan) .....	1,055,491
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## STATE SUPREME COURT, Position 2

Pearson (Nonpartisan) .....	1,040,681
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## STATE SUPREME COURT, Position 3

Andersen (Nonpartisan) .....	1,042,452
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## STATE SUPREME COURT, Position 4

Smith (Nonpartisan) .....	1,045,849
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COURT OF APPEALS, Division 1, District 3  
(Island, San Juan, Skagit, Whatcom)

Forrest (Nonpartisan) .....	73,002
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COURT OF APPEALS, Division 2, District 3  
(Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum)

Reed (Nonpartisan) .....	88,979
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COURT OF APPEALS, Division 3, District 1  
(Spokane, Stevens, Ferry, Lincoln, Okanogan, Pend Oreille)

Shields (Nonpartisan) .....	129,620
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## SUPERIOR COURT, Benton-Franklin, Position 1

Yule (Nonpartisan) .....	36,842
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## SUPERIOR COURT, Benton-Franklin, Position 2

Staples (Nonpartisan) .....	37,262
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## SUPERIOR COURT, Benton-Franklin, Position 3

Yencopal (Nonpartisan) .....	38,298
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## SUPERIOR COURT, Benton-Franklin, Position 4

Brown (Nonpartisan) .....	26,868
Felsted (Nonpartisan) .....	23,385

SUPERIOR COURT, Benton–Franklin, Position 5	
Taber (Nonpartisan) .....	35,557
SUPERIOR COURT, Chelan–Douglas, Position 1	
Cone (Nonpartisan) .....	18,714
SUPERIOR COURT, Chelan–Douglas, Position 2	
VanSickle (Nonpartisan) .....	18,745
SUPERIOR COURT, Ferry–Pend Oreille–Stevens, Position 1	
Stewart (Nonpartisan) .....	10,082
SUPERIOR COURT, Ferry–Pend Oreille–Stevens, Position 1	
Kristianson (Nonpartisan) .....	10,507
SUPERIOR COURT, Island–San Juan, Position 1	
Hancock (Nonpartisan) .....	14,907
Thiele (Nonpartisan) .....	7,668
SUPERIOR COURT, Island–San Juan, Position 2	
Pitt (Nonpartisan) .....	15,827
SUPERIOR COURT, Klickitat–Skamania, Position 1	
Kolbaba (Nonpartisan) .....	6,342
SUPERIOR COURT, Pacific–Wahkiakum, Position 1	
Glenn (Nonpartisan) .....	4,286
Penoyar (Nonpartisan) .....	5,353
<u>STATE SENATOR, 1st District</u>	
Kiskaddon (R) .....	20,480
Murray (D) .....	22,948
<u>STATE REPRESENTATIVE, 1st District, Position 1</u>	
Fox (R) .....	17,332
Rust (D) .....	25,545
<u>STATE REPRESENTATIVE, 1st District, Position 2</u>	
Vasko (R) .....	18,570
Cole (D) .....	24,271
<u>STATE SENATOR, 2nd District</u>	
McDaniel (R) .....	10,072
Madsen (D) .....	12,734
<u>STATE REPRESENTATIVE, 2nd District, Position 1</u>	
Aemisegger (R) .....	6,925
Rasmussen (D) .....	15,257
<u>STATE REPRESENTATIVE, 2nd District, Position 2</u>	
Gustafson (R) .....	9,685
Dorn (D) .....	12,884
<u>STATE REPRESENTATIVE, 7th District, Position 1</u>	
Fuhrman (R) .....	19,488
Gray (D) .....	13,999
<u>STATE REPRESENTATIVE, 7th District, Position 2</u>	
McClanahan (R) .....	13,744
Bristow (D) .....	18,993

STATE SENATOR, 9th District

Patterson (R) .....	18,309
Baillie (D) .....	12,618

STATE REPRESENTATIVE, 9th District, Position 1

Nealey (R) .....	18,257
Moore (D) .....	12,182

STATE REPRESENTATIVE, 9th District, Position 2

Prince (R) .....	24,277
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STATE SENATOR, 10th District

Metcalf (R) .....	22,113
Wilson (D) .....	17,613

STATE REPRESENTATIVE, 10th District, Position 1

Wilson (R) .....	23,185
Wagner (D) .....	15,218

STATE REPRESENTATIVE, 10th District, Position 2

Dillard (R) .....	13,060
Haugen (D) .....	25,579

STATE SENATOR, 12th District

Sellar (R) .....	23,312
Deterring (D) .....	11,159

STATE REPRESENTATIVE, 12th District, Position 1

Baillard (R) .....	23,923
Manners (D) .....	10,793

STATE REPRESENTATIVE, 12th District, Position 2

McLean (R) .....	19,825
Reynaud (D) .....	15,130

STATE REPRESENTATIVE, 13th District, Position 1

Chandler (R) .....	17,586
Buche (D) .....	13,344

STATE REPRESENTATIVE, 13th District, Position 2

Smith (R) .....	19,118
Leininger (D) .....	10,758

STATE REPRESENTATIVE, 15th District, Position 1

Lisk (R) .....	8,912
Rayburn (D) .....	13,485

STATE REPRESENTATIVE, 15th District, Position 2

Clark (R) .....	8,986
Baugher (D) .....	13,262

STATE SENATOR, 16th District

Hayner (R) .....	23,528
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STATE REPRESENTATIVE, 16th District, Position 1

Brooks (R) .....	22,173
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STATE REPRESENTATIVE, 16th District, Position 2

Martonick (R) .....	10,160
Grant (D) .....	18,776

STATE SENATOR, 17th District

Rohrbacher (R) .....	16,202
Sutherland (D) .....	16,355

STATE REPRESENTATIVE, 17th District, Position 1

Peery (R) .....	25,118
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STATE REPRESENTATIVE, 17th District, Position 2

Doney (R) .....	12,117
Myers (D) .....	19,439

STATE SENATOR, 18th District

Smith (R) .....	20,884
Siipola (D) .....	13,399

STATE REPRESENTATIVE, 18th District, Position 1

Spreadborough (R) .....	12,557
Morris (D) .....	20,305

STATE REPRESENTATIVE, 18th District, Position 2

Potter (R) .....	14,340
Cooper (D) .....	18,823

STATE SENATOR, 19th District

Leber (R) .....	11,041
DeJarnatt (D) .....	20,283

STATE REPRESENTATIVE, District 19A

Morrill (R) .....	7,085
Raiter (D) .....	8,721

STATE REPRESENTATIVE, District 19B

Basich (D) .....	13,472
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STATE SENATOR, 20th District

Amondson (R) .....	21,425
Odegaard (D) .....	17,943

STATE REPRESENTATIVE, 20th District, Position 1

Bowman (R) .....	19,396
Bailey (D) .....	19,090

STATE REPRESENTATIVE, 20th District, Position 2

Brumsickle (R) .....	20,993
Holm (D) .....	17,853

STATE SENATOR, 24th District

Pickell (R) .....	19,183
Conner (D) .....	19,681

STATE REPRESENTATIVE, 24th District, Position 1

Cummins (R) .....	16,708
Jones (D) .....	20,710

STATE REPRESENTATIVE, 24th District, Position 2

Hargrove (D) .....	28,866
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STATE REPRESENTATIVE, 26th District, Position 1

Talcott (R) .....	18,666
Meyers (D) .....	22,610

STATE REPRESENTATIVE, 26th District, Position 2

Oke (R) .....	20,526
Pruitt (D) .....	21,360

STATE REPRESENTATIVE, 30th District, Position 1

Schoon (R) .....	21,270
Metcalf (D) .....	19,774

STATE REPRESENTATIVE, 30th District, Position 2

Brough (R) .....	24,965
Schueler (D) .....	15,021

STATE REPRESENTATIVE, 31st District, Position 1

Roach (R) .....	15,908
Todd (D) .....	19,795

STATE REPRESENTATIVE, 31st District, Position 2

Vance (R) .....	16,289
Crane (D) .....	18,231

STATE REPRESENTATIVE, 35th District, Position 1

Freeman (R) .....	11,610
Sayan (D) .....	23,222

STATE REPRESENTATIVE, 35th District, Position 2

Sinclair (R) .....	12,441
Vekich (D) .....	22,179

STATE SENATOR, 40th District

Richardson (R) .....	14,382
McMullen (D) .....	29,267

STATE REPRESENTATIVE, 40th District, Position 1

Ward (R) .....	16,314
Spanel (D) .....	27,625

STATE REPRESENTATIVE, 40th District, Position 2

Youngsman (R) .....	22,665
Fox (D) .....	21,884

STATE REPRESENTATIVE, 44th District, Position 1

Grupe (R) .....	14,908
Cantwell (D) .....	28,381

STATE REPRESENTATIVE, 44th District, Position 2

Winecoff (R) .....	17,423
King (D) .....	24,451

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The following State Senate election results from the state general election held on the eighth day of November, 1988, were certified by the county where the legislative district is entirely within the county:

<u>STATE SENATOR, 3rd District (Spokane, part)</u>	
Stratton (D) .....	23,892
<u>STATE SENATOR, 4th District (Spokane, part)</u>	
McCaslin (R) .....	22,026
Schmidt (D) .....	12,986
<u>STATE SENATOR, 5th District (Spokane, part)</u>	
Saling (R) .....	23,112
Critchlow (D) .....	16,117
<u>STATE SENATOR, 11th District (King, part)</u>	
Thorsness (R) .....	18,153
Lux (D) .....	17,842
<u>STATE SENATOR, 14th District (Yakima, part)</u>	
Matson (R) .....	23,074
Pulse (D) .....	10,421
<u>STATE SENATOR, 22nd District (Thurston, part)</u>	
Smith (R) .....	11,964
Kreidler (D) .....	32,237
<u>STATE SENATOR, 23rd District (Kitsap, part)</u>	
Craswell (R) .....	21,877
Griffith (D) .....	20,966
<u>STATE SENATOR, 25th District (Pierce, part)</u>	
Spanier (R) .....	11,260
Gaspard (D) .....	22,985
<u>STATE SENATOR, 27th District (Pierce, part)</u>	
Neville (R) .....	7,236
Wojahn (D) .....	20,802
<u>STATE SENATOR, 28th District (Pierce, part)</u>	
Johnson (R) .....	20,782
Jacobson (D) .....	8,989
<u>STATE SENATOR, 39th District (Snohomish, part)</u>	
Bailey (R) .....	25,488
Patrick (D) .....	12,706
<u>STATE SENATOR, 41st District (King, part)</u>	
Cantu (R) .....	29,935
Kaplan (D) .....	14,203
Rathjen (L) .....	957
<u>STATE SENATOR, 49th District (Clark, part)</u>	
Winner (R) .....	9,044
Bauer (D) .....	22,550

## ROLL CALL

The Acting Secretary called the roll of the following re-elected Senators and all were present: Senators Cliff Bailey, Albert Bauer, Emilio Cantu, Paul H. Conner, Ellen Craswell, Arlie U. DeJarnatt, Marcus S. Gaspard, Jeannette Hayner, Stanley C. Johnson, Mike Kreidler, Ken Madsen, Bob McCaslin, Patrick R. McMullen, Jack Metcalf, E. G. "Pat" Patterson, Gerald L. (Jerry) Saling, George L. Sellar, Linda A. Smith, Lois J. Stratton, R. Lorraine Wojahn.

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

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

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

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

#### ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Neil Amondson, Jim Matson, Patty Murray, Dean Sutherland, Leo K. Thorsness.

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

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

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

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

#### ELECTION OF PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR MCDONALD

Senator McDonald: "Mr. President, I would like to put in nomination the name of a fellow engineer, a man who has boundless energy and a man who has a tenacity for any of us who have had the pleasure of standing in front of him when we say 'no.' He is from the district adjoining mine--the Senator from the Forty-fifth District, Alan Bluechel."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator Alan Bluechel was elected President Pro Tempore of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Fleming - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

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

Justice Robert Utter of the Washington State Supreme Court administered the oath of office to Senator Bluechel.

#### REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "This is a very great honor for me. I very much enjoyed the last session and the privilege of presiding over the Senate, which doesn't happen to many people. I intend to try to follow the same thing as last time. I've had an exceptionally good leader. There's a master here that we've all looked at. He has taught us well.

"During the last session when we had the rulings, I found one thing, it was much more difficult to make the rulings than I ever believed. Sitting down in the seat on the floor, it seemed very simple. You could just go one way or the other. Watching Lieutenant Governor Cherberg deliberate with the attorneys on how the

rulings were made, was something that very much impressed me to a great degree. I will try to be as good a presiding officer of this body as Lieutenant Governor Cherberg has been for the last thirty-two years. Thank you."

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

#### ELECTION OF VICE PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR SELLAR

Senator Sellar: "Mr. President, it gives me a great deal of pleasure and pride to nominate a person for the office of Vice President Pro Tempore, a person that is an excellent legislator and a marvelous human being. She has already demonstrated her ability to do this job by serving in it the last time. I think she achieved an honor as the first woman to preside over the Washington State Senate--an honor that she very much deserved. It gives me a great deal of pleasure to once again nominate for that position, Senator Ellen Craswell."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator Ellen Craswell was elected Vice President Pro Tempore of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Fleming - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

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

Justice Robert Utter of the Washington State Supreme Court administered the oath of office to Senator Craswell.

#### REMARKS BY SENATOR CRASWELL

Senator Craswell: "This is a tremendous honor and privilege for me to serve in this capacity again. I thank you all for your support and I'd just like to take this opportunity to thank our Lieutenant Governor Cherberg for the great leadership that he has offered this body and the great example that he has set for all of us. Thank you all."

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

#### ELECTION OF SECRETARY OF THE SENATE

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

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I would like to place in nomination the name of Gordon Golob for the position of Secretary of the Senate. Gordon has served the Washington State Senate for seventeen years in a variety of capacities, beginning as an attorney for the Judiciary Committee--now Law and Justice. He also served as counsel for the Republican Caucus and as Senate counsel. He has had a distinguished military career. For twenty-six years, he has served his country. He flew over one hundred missions in Vietnam during the war and he's now a full Colonel in the United States Air Force Reserves. He has written three books in the field of law which are highly regarded and frequently used. He has been an officer in



Pierce County--a deputy administrator. I think he is a man of many talents and he has earned the respect and the admiration of Senators on both sides of the aisle."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Gordon Golob was elected Secretary of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Fleming - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

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

Justice Robert Utter of the Washington State Supreme Court administered the oath of office to Gordon Golob.

#### REMARKS BY GORDON GOLOB

Secretary Golob: "Ladies and gentlemen, very briefly. I watched twenty-five Senators come up here and they didn't get a chance to say a word, so I would be presumptuous to say too much and you know that's hard for me some times. This is the best job in the state; there's no doubt in my mind. I want to assure people, it beats the heck out of the practice of law. I can count and I know it's twenty-five and twenty-four and that adds up to forty-nine. I intend to serve every Senator to the best of my ability. Thank you very much."

The committee of honor escorted Secretary of the Senate Gordon Golob to his place on the rostrum and the committee was discharged.

#### ELECTION OF SERGEANT AT ARMS

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

#### REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President. I would like to place the name of George LaPold in nomination for Sergeant at Arms. I'm very proud to place George LaPold's name in nomination for Sergeant at Arms. He is a person who is from my home district in Whatcom County and I think that most of you here know that he has had a long background in law enforcement. He has served us very well over the past year--professionally and courteously. I would like to encourage you to vote for him to continue as our Sergeant at Arms."

#### MOTION

On motion of Senator Newhouse, the nominations for Sergeant at Arms were closed.

#### ROLL CALL

The Secretary called the roll and George LaPold was elected Sergeant at Arms of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Fleming - 1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Pullen and Talmadge as a committee of honor to escort George LaPold to the rostrum.

Justice Robert Utter of the Washington State Supreme Court administered the oath of office to George LaPold.

The committee of honor escorted George LaPold to his place on the rostrum and the committee was discharged.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Queen Ericka Jackson, representing the 1989 Capital Lakefair Incorporated and appointed Senators Sellar and Warnke to escort the honored guest to the Senate Rostrum.

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

The honored guest was escorted from the Senate Chamber and the committee was discharged.

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

## MOTION

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

## SENATE RESOLUTION 1989-8600

by Senators Hayner, Sellar, Vognild and Warnke

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

## APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1989-8600, the President appointed Senators Patterson, Moore, Cantu and Rasmussen to notify the House of Representatives that the Senate is organized and ready to transact business.

## MOTION

On motion of Senator Newhouse, the appointees were confirmed.

The committee retired to the House of Representatives.

## MOTION

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

## SENATE RESOLUTION 1989-8601

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, That the courtesies of the Senate are hereby extended to all former presidents, former members and former secretaries of the senate.

At 1:23 p.m. there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:34 p.m. by President Cherberg.

## REPORT OF COMMITTEE

The Senate Committee composed of Senators Patterson, Moore, Cantu and Rasmussen appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

## COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Valle, Basich and Hankins appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

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

#### INTRODUCTION AND FIRST READING

SB 5000 by Senators Gaspard, Bailey, Bender, von Reichbauer, Warnke, Talmadge and Madsen

AN ACT Relating to basic education; and amending RCW 28A.41.140.

Referred to Committee on Education.

SB 5001 by Senators Conner and Lee

AN ACT Relating to the Washington ambassador program; and amending RCW 43.31.377 and 43.31.381.

Referred to Committee on Economic Development and Labor.

SB 5002 by Senators Lee, McMullen and Conner

AN ACT Relating to international policy; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5003 by Senators Lee, Conner, McMullen and Saling

AN ACT Relating to international marketing; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5004 by Senators West, Lee, Anderson, Conner, Warnke, Johnson, Sutherland and Bauer

AN ACT Relating to state government; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5005 by Senators West, Lee, Anderson, Conner, Johnson, Williams, Sutherland, Bauer and Smith

AN ACT Relating to state government; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5006 by Senators Lee, Anderson and Conner

AN ACT Relating to vessel dealer registration; and amending RCW 88.02.060.

Referred to Committee on Transportation.

SB 5007 by Senators Lee, McMullen, Anderson, Conner and Johnson

AN ACT Relating to international marketing; adding new sections to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5008 by Senators McMullen, Lee, Conner, Anderson and Warnke

AN ACT Relating to international capital projects; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5009 by Senator Anderson

AN ACT Relating to vessel registration; and amending RCW 88.02.030.

Referred to Committee on Transportation.

SB 5010 by Senators Bailey, Gaspard, Rinehart, Bender, von Reichbauer, Sutherland, Bauer, Talmadge, Madsen and Rasmussen

AN ACT Relating to basic education; and amending RCW 28A.41.140.

Referred to Committee on Education.

**SB 5011** by Senators Newhouse, Matson, Sutherland, Bauer, Talmadge, Benitz, West and Rasmussen

AN ACT Relating to the prevention of impoverishment of spouses of institutionalized persons; adding new sections to chapter 74.09 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

**SB 5012** by Senator McDonald

AN ACT Relating to the liability of condominium owners' associations for air pollution violations; and amending RCW 70.94.473.

Referred to Committee on Environment and Natural Resources.

**SB 5013** by Senator Owen

AN ACT Relating to school districts; creating new sections; and providing an expiration date.

Referred to Committee on Education.

**SB 5014** by Senators Pullen, Madsen, Hayner and Rasmussen

AN ACT Relating to police dogs; and amending RCW 4.24.410, 9A.76.200, and 16.08.080.

Referred to Committee on Law and Justice.

**SB 5015** by Senator Kreidler

AN ACT Relating to motor vehicle safety belts; and amending RCW 46.61.688.

Referred to Committee on Transportation.

**SB 5016** by Senator McDonald

AN ACT Relating to ethics for public officers and employees; adding new sections to chapter 42.22 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

**SB 5017** by Senators Conner, Rasmussen and Anderson

AN ACT Relating to the jury source list; and amending RCW 2.36.010 and 2.36.055.

Referred to Committee on Law and Justice.

**SB 5018** by Senators Newhouse, Vognild, Barr, Hansen, Benitz and Rasmussen (by request of Office of Secretary of State)

AN ACT Relating to cooperative associations; amending RCW 23.86.010, 23.86.030, 23.86.050, 23.86.070, 23.86.080, 23.86.090, 23.86.100, 23.86.160, 23.86.195, 23.86.210, 23.86.220, 23.86.230, 15.35.240, 20.01.030, 24.06.360, 43.07.120, 43.07.130, 43.07.190, and 23A.32.050; reenacting and amending RCW 21.20.320; adding new sections to chapter 23.86 RCW; creating a new section; and repealing RCW 23.86.040, 23.86.060, 23.86.110, 23.86.120, 23.86.130, 23.86.140, 23.86.150, 23.86.180, 24.32.010, 24.32.020, 24.32.040, 24.32.050, 24.32.060, 24.32.070, 24.32.080, 24.32.090, 24.32.100, 24.32.110, 24.32.150, 24.32.160, 24.32.200, 24.32.210, 24.32.240, 24.32.250, 24.32.260, 24.32.270, 24.32.280, 24.32.290, 24.32.300, 24.32.310, 24.32.320, 24.32.330, 24.32.340, 24.32.350, 24.32.355, 24.32.360, 24.32.400, 24.32.410, 24.32.900, and 21.20.321.

Referred to Committee on Agriculture.

**SB 5019** by Senator Conner

AN ACT Relating to unemployment compensation; and amending RCW 50.24.010 and 50.24.014.

Referred to Committee on Economic Development and Labor.

**SB 5020** by Senator Metcalf

AN ACT Relating to aquaculture; adding new sections to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5021 by Senator Kreidler

AN ACT Relating to health education; creating a new section; adding a new section to chapter 43.20A RCW; and making an appropriation.

Referred to Committee on Health Care and Corrections.

SB 5022 by Senators Benitz and Williams (by request of Washington Utilities and Transportation Commission)

AN ACT Relating to utilities and transportation commission reporting requirements; and amending RCW 80.04.080, 81.04.080, and 80.04.320.

Referred to Committee on Energy and Utilities.

SB 5023 by Senators Benitz and Williams (by request of Washington Utilities and Transportation Commission)

AN ACT Relating to proposed tariff changes; and amending RCW 80.28.060 and 80.36.110.

Referred to Committee on Energy and Utilities.

SB 5024 by Senators West, Smitherman, Warnke, Madsen, Lee and Thorsness

AN ACT Relating to public employees collective bargaining; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Economic Development and Labor.

SB 5025 by Senators Newhouse, Gaspard, Anderson, Benitz and Lee (by request of Department of Community Development)

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

Referred to Committee on Ways and Means.

SB 5026 by Senators Kreidler, Smith, Stratton, Rinehart, Wojahn and Sutherland

AN ACT Relating to child care; amending section 1, chapter 329, Laws of 1987 (uncodified); amending section 2, chapter 329, Laws of 1987 (uncodified); and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5027 by Senators Smith, Smitherman, Saling, Warnke and Sutherland

AN ACT Relating to the definition of "service" for the Washington public employees' retirement system; and amending RCW 41.40.010.

Referred to Committee on Ways and Means.

SB 5028 by Senators Newhouse, Saling, Johnson, Matson, Sutherland, Bauer, Lee, West, Thorsness, Smith, Hansen, Barr and Rasmussen

AN ACT Relating to authorizing interception and recording of conversations concerning illegal controlled substances; amending RCW 9.73.080; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; creating new sections; and repealing RCW 9.73.050.

Referred to Committee on Law and Justice.

SB 5029 by Senators Newhouse, Saling, Matson, Lee, Benitz, West, Thorsness, Rasmussen, Hansen, Craswell, Vognild and Barr

AN ACT Relating to penalties for crimes involving controlled substances; reenacting and amending RCW 9.94A.320; and creating a new section.

Referred to Committee on Law and Justice.

SB 5030 by Senators Pullen and Niemi

AN ACT Relating to the writ of certiorari; and amending RCW 7.16.120.

Referred to Committee on Law and Justice.

SB 5031 by Senators Pullen, Niemi and Rasmussen

AN ACT Relating to the correction or amendment of internal references in the Revised Code of Washington; and amending RCW 9.46.293, 19.52.900, and 69.50.408.

Referred to Committee on Law and Justice.

SB 5032 by Senators Pullen, Niemi and Rasmussen

AN ACT Relating to the repeal of obsolete sections in the Revised Code of Washington; and repealing RCW 18.34.130, 18.36.136, 42.28.030, 42.28.035, 42.28.060, 42.28-.070, 42.28.090, 43.31.370, 43.230.050, and 46.63.150.

Referred to Committee on Law and Justice.

SB 5033 by Senators Pullen, Niemi and Rasmussen

AN ACT Relating to technical corrections in the Revised Code of Washington; amending RCW 11.98.160, 19.52.020, 43.52.395, 63.14.130, 84.69.100, 19.52.030, 63.14.154, and 70.92.110; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Law and Justice.

SB 5034 by Senators Pullen, Niemi and Rasmussen

AN ACT Relating to the reconciliation of double amendments or repeals in the Revised Code of Washington; amending RCW 18.57.085; amending section 143, chapter 30, Laws of 1985 (uncodified); amending section 1, chapter 114, Laws of 1979 ex. sess. (uncodified); reenacting RCW 11.98.029, 29.13.060, 43.03.010, and 48.24.060; reenacting and amending RCW 48.46.060; creating a new section; and repealing RCW 8.25.170 and 39.56.010.

Referred to Committee on Law and Justice.

SB 5035 by Senators Kreidler, Smith, Stratton, Bauer and Rasmussen

AN ACT Relating to foster-family homes; amending RCW 4.92.040, 4.92.060, 4.92.070, and 4.92.130; reenacting and amending RCW 4.92.150; adding a new chapter to Title 74 RCW; and making an appropriation.

Referred to Committee on Children and Family Services.

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 4, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Alexander, appointed April 4, 1988, for a term ending July 26, 1993, as a member of the Personnel Appeals Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 13, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Juli Vraves Anderson, reappointed July 1, 1988, for a term ending June 30, 1994, as a member of the Gambling Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

February 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry M. Aronson, appointed February 26, 1987, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

July 28, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John R. Bencich, appointed July 28, 1988, for a term ending July 16, 1992, as a member of the Hospital Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

October 27, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. Ted Bottiger, appointed November 20, 1987, for a term ending January 15, 1990, as a member of the Pacific Electric Power and Conservation Planning Council.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

August 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

M. Toby Bouchey, appointed August 29, 1988, for a term ending October 24, 1993, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

July 7, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Bryant, appointed July 7, 1987, for a term ending August 2, 1992, as a member of the Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

November 15, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas M. Burns, appointed November 15, 1988, for a term ending January 4, 1991, as a member of the State Personnel Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 26, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis E. Chilberg, appointed January 26, 1988, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

July 5, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ruth V. Coffin, appointed July 5, 1988, for a term ending June 16, 1992, as a member of the Commission on Judicial Conduct.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

May 8, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bernard Colligan, appointed May 8, 1987, for a term ending November 2, 1989, as a member of the Juvenile Disposition Standards Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

June 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Connie Crawley, appointed June 29, 1988, for a term ending November 2, 1990, as a member of the Juvenile Disposition Standards Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

June 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert D. Cruthchfield, reappointed June 29, 1988, for a term ending November 2, 1990, as a member of the Juvenile Disposition Standards Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

July 28, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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



V. Marc Droppert, appointed July 28, 1988, for a term ending July 16, 1992, as a member of the Hospital Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

December 2, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Eager, appointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 2, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph P. Enbody, reappointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 22, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eileen P. Farley, appointed August 22, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

October 2, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sam J. Farmer, Jr., appointed October 2, 1985, for a term ending June 13, 1989, as a member of the Washington Public Power Supply System Executive Board of Directors, succeeding Ronald Mayo.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

July 13, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Faulk, appointed July 18, 1988, for a term ending at the Governor's pleasure, as Director of the Department of Licensing.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

July 16, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancyhelen Fischer, appointed July 16, 1987, for a term ending June 16, 1991, as a member of the Commission of Judicial Conduct.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

June 14, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Fluke, reappointed July 1, 1988, for a term ending June 30, 1992, as a member of the Higher Education Coordinating Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 22, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

May Gerstle, reappointed April 22, 1988, for a term ending April 3, 1992, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 15, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joyce A. Gillie, appointed June 15, 1988, for a term ending January 18, 1992, as a member of the Board of Pharmacy.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

June 2, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Julie A. Grant, appointed June 2, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Ann Grant, appointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

May 13, 1988

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

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

Christine Gregoire, appointed May 13, 1988, for a term ending at the Governor's pleasure, as Director of the Department of Ecology.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 9, 1988

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

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

Catherine M. Haas, reappointed June 9, 1988, for a term ending June 18, 1992, as a member of the Human Rights Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

November 29, 1988

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

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

Keith Herrell, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 13, 1988

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

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

Wendy Holden, appointed July 18, 1988, for a term ending at the Governor's pleasure, as Director of the Department of General Administration.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 16, 1988

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

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

Joseph M. Honda, reappointed June 16, 1988, for a term ending January 18, 1992, as a member of the Board of Pharmacy.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

October 11, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Hoyden, reappointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

January 9, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Martin R. Kaatz, reappointed January 9, 1989, for a term ending January 1, 1995, as a member of the Forest Practices Appeals Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

August 2, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roy M. Kalich, reappointed August 2, 1988, for a term ending August 2, 1994, as a member of the Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

June 1, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas P. Keefe, reappointed June 1, 1987, for a term ending June 30, 1993, as a member of the Gambling Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

October 11, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Kennedy, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lawrence M. Killeen, appointed February 26, 1987, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

October 11, 1988

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

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

Wayne M. King, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

November 27, 1987

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

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

Thomas L. Kobler, appointed January 18, 1988, for a term ending at the Governor's pleasure, as Director of the Basic Health Plan Agency.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

June 30, 1987

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

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

Donald E. Kokjer, reappointed June 30, 1987, for a term ending June 15, 1992, as a member of the Marine Employees' Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

October 24, 1988

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

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

Bernard Korth, appointed October 24, 1988, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

January 26, 1988

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

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

Larry Kowbel, appointed January 26, 1988, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 24, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Isabelle S. Lamb, reappointed June 24, 1988, for a term ending October 25, 1993, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

November 14, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edith A. Lawrence, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James E. Massart, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Coralee Mattingly, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 7, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Norman V. McKibben, appointed December 7, 1988, for a term ending June 30, 1994, as a member of the Transportation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles K. Michener, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 29, 1988

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

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

W. Kelley Moldstad, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 4, 1988

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

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

Gary Moore, reappointed April 4, 1988, for a term ending December 31, 1990, as a member of the Investment Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

October 11, 1988

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

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

Dr. Peter Nickerson, reappointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

August 4, 1988

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

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

Beverly J. Ogburn, reappointed August 4, 1988, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 29, 1987

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

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

Carl M. Ooka, reappointed July 29, 1987, for a term ending August 2, 1993, as a member of the Lottery Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

December 22, 1988

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

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

Jon Ostlund, reappointed December 22, 1988, for a term ending August 21, 1991, as a member of the Sentencing Guidelines Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

October 11, 1988

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

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

Judith Parker, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

October 11, 1988

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

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

Denise Read, appointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

September 28, 1988

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

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

Dolorita Reandeu, reappointed September 28, 1988, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

April 4, 1988

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

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

Dr. Cynthia K. Rekdal, appointed April 4, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 13, 1988

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

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



Reginald T. Roberts, appointed December 13, 1988, for a term ending September 25, 1992, as a member of the Clemency and Pardons Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

April 4, 1988

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

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

James F. Ryan, appointed April 4, 1988, for a term ending December 31, 1989, as a member of the State Investment Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

September 28, 1988

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

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

Ruby N. Ryles, appointed September 28, 1988, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

April 22, 1988

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

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

Antonio Santoy, reappointed April 22, 1988, for a term ending April 3, 1992, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 13, 1988

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

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

Trudy Schmidli, reappointed December 13, 1988, for a term ending September 25, 1992, as a member of the Clemency and Pardons Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

June 1, 1988

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

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

James E. Sherrill, appointed June 1, 1988, for a term ending September 30, 1991, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 1, 1988

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

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

Kathy Simonis, appointed June 1, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

May 8, 1987

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

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

Ron Sims, appointed May 8, 1987, for a term ending November 2, 1989, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 2, 1988

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

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

T. W. Small, Jr., reappointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 10, 1988

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

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

Dr. Curt Smitch, appointed June 10, 1988, for a term ending at the Governor's pleasure, as Director of the Department of Wildlife.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 29, 1988

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

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

Marlene Smith, reappointed June 29, 1988, for a term ending November 2, 1990, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

March 17, 1988

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

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

Dr. Max M. Snyder, reappointed March 17, 1988, for a term ending April 30, 1990, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 29, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hugh D. Spitzer, appointed April 29, 1988, for a term ending July 5, 1989, as a member of the Puget Sound Water Quality Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 23, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Virginia E. Sprengle, appointed June 23, 1988, for a term ending September 30, 1989, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 1, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret T. Stanley, appointed October 1, 1988, for a term ending at the Governor's pleasure, as Administrator of the Washington State Health Care Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

September 16, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sydney Steinborn, reappointed September 16, 1986, for a term ending June 13, 1990, as a member of the Washington Public Power Supply System Executive Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 4, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eugene K. Struthers, appointed April 4, 1988, for a term ending December 31, 1992, as a member of the Public Disclosure Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

March 7, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Reverend William J. Sullivan, reappointed March 26, 1988, for a term ending March 26, 1992, as a member of the Higher Education Facilities Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 2, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Earlyse Swift, reappointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 4, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Graham Tollefson, appointed April 4, 1988, for a term ending September 30, 1989, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 11, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Sheri Tonn, reappointed July 11, 1988, for a term ending July 5, 1992, as a member of the Puget Sound Water Quality Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

January 10, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Vanderkolk, reappointed January 10, 1986, for a term ending January 20, 1990, as a member of the Pharmacy Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

February 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard A. Virant, reappointed March 1, 1987, for a term ending March 1, 1993, as a member of the Tax Appeals Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James G. Walton, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Spokane Community College District No. 17.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 11, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Anthony Wartnik, reappointed October 11, 1988, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

September 28, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Watkinson, appointed September 28, 1988, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

June 4, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William R. Wiley, reappointed June 14, 1988, for a term ending June 30, 1992, as a member of the Higher Education Coordinating Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 12, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Terry Williams, reappointed July 12, 1988, for a term ending July 5, 1992, as a member of the Puget Sound Water Quality Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

February 17, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Majel A. Wilson, reappointed February 17, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 9, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harold (Hal) S. Zimmerman, appointed June 9, 1988, for a term ending June 30, 1994, as a member of the Pollution Control Hearings Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

December 16, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Hirai, reappointed December 16, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 16, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol B. James, reappointed December 16, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 2, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Norm Schut, appointed June 2, 1988, for a term ending September 30, 1990, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 16, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vaughn A. Sherman, reappointed December 16, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 2, 1988

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

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

Harold (Hal) T. Wolfe, appointed June 2, 1988, for a term ending September 30, 1989, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

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

#### MESSAGE FROM THE HOUSE

January 9, 1989

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4400 by Representatives Ebersole and Ballard

Calling a joint session.

Hold.

HCR 4401 by Representatives Ebersole and Ballard

Appointing a committee to notify the governor that the legislature is organized and ready to conduct business.

Hold.

#### MOTIONS

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

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

#### MOTIONS

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

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4401, the President appointed Senators Hayner, Vognild and Sellar to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

## MOTION

On motion of Senator Newhouse, the appointees were confirmed.

## MOTION

On motion of Senator Newhouse, the following Standing Committee assignments were confirmed:

## MEMBERSHIP OF SENATE STANDING COMMITTEES 1989

AGRICULTURE (7) Barr, Chair; Anderson, Vice Chair; Bailey, Gaspard, \*Hansen, Madsen, Newhouse.

CHILDREN AND FAMILY SERVICES (5) Smith, Chair; Craswell, Vice Chair; Bailey, \*Stratton, Vognild.

ECONOMIC DEVELOPMENT AND LABOR (11) Lee, Chair; Anderson, Vice Chair; Matson, McDonald, McMullen, Murray, Saling, \*Smitherman, Warnke, West, Williams.

EDUCATION (11) Bailey, Chair; Lee, Vice Chair; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, \*Rinehart.

ENERGY AND UTILITIES (9) Benitz, Chair; Bluechel, Vice Chair; Metcalf, Nelson, Owen, Pullen, Stratton, Sutherland, \*Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) Metcalf, Chair; Amondson, Vice Chair; Barr, Benitz, DeJarnatt, Kreidler, \*Owen, Patterson, Sutherland.

FINANCIAL INSTITUTIONS AND INSURANCE (11) von Reichbauer, Chair; Johnson, Vice Chair; Fleming, Matson, McCaslin, McMullen, \*Moore, Rasmussen, Sellar, Smitherman, West.

GOVERNMENTAL OPERATIONS (5) McCaslin, Chair; Thorsness, Vice Chair; \*DeJarnatt, Pullen, Sutherland.

HEALTH CARE AND CORRECTIONS (7) — West, Chair; Smith, Vice Chair; Amondson, Johnson, \*Kreidler, Niemi, Wojahn.

HIGHER EDUCATION (7) Saling, Chair; Patterson, Vice Chair; \*Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

LAW AND JUSTICE (11) Pullen, Chair; McCaslin, Vice Chair; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, \*Talmadge, Thorsness.

RULES (16) Pritchard, Chair; Bluechel, Vice Chair; Anderson, Bauer, Cantu, Conner, Craswell, Hayner, Matson, Nelson, Newhouse, Rasmussen, Rinehart, Sellar, \*Vognild, Warnke, Wojahn.

TRANSPORTATION (14) Patterson, Chair; Nelson, Vice Chair; von Reichbauer, Vice Chair; Barr, \*Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, McMullen, Murray, Sellar, Thorsness.

WAYS AND MEANS (23) McDonald, Chair; Craswell, Vice Chair; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, \*Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

\* - Ranking Democratic Member

At 1:48 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:02 p.m. by President Cherberg.

## REPORT OF COMMITTEE

The special committee consisting of Senators Hayner, Vognild and Sellar appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4401 that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

## MOTION

At 2:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Tuesday, January 10, 1989.

JOHN A. CHERBERG, President of the Senate.  
GORDON A. GOLOB, Secretary of the Senate.



## SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 10, 1989

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. President John A. Cherberg and Mrs. Cherberg were seated on the rostrum. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Association of Washington Generals Color Guard, consisting of Commanding General Jim Washington, and Bill Rose, James Wood, Dr. Dean Tracy and Charles Jassen, presented the Colors.

Father William Sullivan, President of Seattle University, offered the following prayer:

"Let us bow our heads for a moment of prayer. Lord, we ask your gracious blessing on this gathering of the Senate of the state of Washington. We come together on this festive and historic occasion, both for remembrance and for appreciation. We come especially to recognize our friend and colleague, John Cherberg, as we celebrate with him, his thirty-two years of service as the Lieutenant Governor of our state.

"We thank you Lord and Father for John's service given in this chamber, in so many councils and committees throughout our state. We thank you for his integrity and fairness manifested in his judgments, his counsels and his decisions. And we thank you Lord for his remarkable closeness to the people of our state expressed in multitudinous receptions, ceremonies and banquets.

"We ask you Lord, to bless John and Betty this day and to bless his future and continuing years of public service. And finally Lord, we ask that his spirit of dedication to the common good, of fairness and integrity, of concern for all our citizens may mark the lives and the works of all of our public servants. We make this prayer in the spirit of the Lord. Amen"

### MOTION

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

### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Today marks the final day in the long and distinguished tenure of Lieutenant Governor John A. Cherberg as President of the Washington State Senate. Lieutenant Governor Cherberg is a modest man who doesn't seek the spotlight, but the Senate appreciates this opportunity to host Governor Cherberg and his lovely wife, Betty, and to pay tribute to John's most distinguished career.

"The Senate also welcomes as a special guest, the Honorable Sid Snyder, who first came to the Legislature as an elevator operator in 1949. He served in a variety of legislative capacities and became the Secretary of the Senate in 1969, and served until January, 1988. We would also like to recognize Sid's wife, Bette."

### APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed Senators Conner, Benitz and Hansen to escort Governor Booth Gardner and former Governor Albert Rosellini to the rostrum.

### INTRODUCTION OF GOVERNOR GARDNER

President Pro Tempore: "Ladies and gentlemen of the Senate, honored guests, Governor Booth Gardner, Governor Rosellini. It's my privilege to introduce to you the Governor of the state of Washington, Governor Booth Gardner."

## REMARKS BY GOVERNOR BOOTH GARDNER

Governor Gardner: "It's not been lost on any of us in the room today that the individual who has served as the foremost ombudsperson of the state of Washington over time is John Cherberg. Many people run for public office because they have ego desires. Others run for the desire for power, but John Cherberg is almost unique in that, more so than any one of us here, he believed in the institution. John Cherberg loved the institution of which we are all a part and John Cherberg loved people. I've traveled in most of your districts and I've heard good things about all of you and how each of you has served your constituents so well, but from every nook and cranny in the state of Washington I've heard people ask me to send a message back to John Cherberg thanking him for the help that they have received. There was not a person, I believe, in this state that had an interest in state government that had not been served or touched by John Cherberg sometime in the history of his tenure as Lieutenant Governor of the state of Washington.

"You know, this is the classic mixed feeling syndrome here today. There's probably no public official in the history of this state who more deserves the thanks and gratitude that we're paying to John Cherberg today and have for so many days in the history of our lives. That's a happy feeling and yet there's a note of sadness, because everyone of us will miss seeing John preside over the Washington State Senate this year and the years to come. But, I'm here to tell every one of you officially that John Cherberg is not going into full retirement, he's going into semi-retirement. John will have an office at the Department of Trade and Economic Development at the foot of Queen Anne near his home, so Betty can get rid of him when she desires. John will be on retainer and John Cherberg, who has traveled this world extensively, who has served as an ambassador of goodwill for every citizen in the state of Washington, John Cherberg who has tremendous experience, will continue to provide us with the leadership that will make Washington State a household name in every home in the world as we prepare ourselves for the twenty-first century.

"John, on behalf of all of us who have known you well, thank you for all the service you've provided to us over the years and we look forward to working with you as you serve in your ambassadorial duties to the state of Washington and provide continued leadership for all of us. Thank you very much."

## REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "We appreciate Governor Gardner being with us to share his remarks this morning. The Senate recognizes the great demands on the Governor's schedule at this busy time of year and we appreciate that you could join us for this tribute. Thank you very much, Governor."

## INTRODUCTION OF FORMER GOVERNOR ALBERT ROSELLINI

"Governor Albert D. Rosellini served as Governor from 1957 to 1965. Governor Rosellini was elected to office the same year that Lieutenant Governor Cherberg was first elected. Governor Rosellini served in the Senate from 1939 to 1955. We welcome Governor Albert D. Rosellini. Governor Rosellini."

## REMARKS BY FORMER GOVERNOR ALBERT ROSELLINI

Governor Rosellini: "Well, thank you very much. Governor Gardner, Governor Cherberg, members of the Senate, and all you distinguished people out there. Time marches on and being in this beautiful chamber with Italian marble—I've got to emphasize Italian, of course. I can't help but reminisce that fifty years ago, almost to the day, I was sworn in in front of this bar, the Senate Bar, as one of the youngest new Senators of the state of Washington. Eighteen years later, thirty-two years ago, John Cherberg and I, across the hall, were sworn in to head the Executive Department of the state of Washington. We had campaigned together, knew each other before the campaign, but became close political and personal friends from that day on.

"During the next eight years, during my term of office, we worked together closely, advised with each other, counseled with each other, sat on different committees. I never asked John to do anything that he wouldn't respond and carry

forth his duties in the most gracious manner. You know, unlike some of my predecessors and their Lieutenant Governors, I never had any fear of leaving the state of Washington, because I knew that the state would be in good hands with John Cherberg at the head of the reins of government.

"John, of course, outlasted me about four to one--thirty-two years against eight. I was delighted to see him stay here. He has done a tremendous job. I don't need to tell you folks who have served with him here, that he certainly brought integrity and prestige to the office of the Lieutenant Governor in many other aspects to the whole state of Washington.

"I wish on this day to just express my thanks to John Cherberg for the tremendous help he gave me in my administration and certainly thank him for the great contributions he has made to the state of Washington. I say in closing, my best wishes go to John Cherberg and his lovely wife, Betty, for the happiness that they will have in semi-retirement. Thank you so much."

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Thank you very much, Governor Rosellini. It is a pleasure to have you back here in the Senate."

#### CAUCUS LEADERS ESCORTED TO ROSTRUM

The President Pro Tempore requested the Sergeant at Arms to escort the Majority Leader, Senator Jeannette Hayner, and the Democratic Leader, Senator Larry Vognild, to the rostrum.

#### INTRODUCTION OF DEMOCRATIC LEADER

President Pro Tempore Bluechel: "It's my pleasure to introduce Senator Larry Vognild, the minority leader of the Senate of the state of Washington. Senator Vognild."

#### REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you very much. Governor Cherberg and Betty, your departure today is a milestone in the history of Washington State. As is often the case, I approach it with mixed emotions. I'm happy that you and Betty will have the time together that you both so richly deserve. After the years you've given to public service, you will now have a chance to take on new challenges. On the other hand, I cannot help but feel a terrific sense of loss, personally and for the Senate. I've had the good fortune of working with John Cherberg for ten years. As I reflect upon this period, I think of John as a patient teacher. John, you were always willing to share your experiences and your judgment with anyone who sought your counsel, be they veteran or freshman. Sometimes through instruction, but always through example, you set a high standard of courtesy, fairness and dignity for this body and for all public servants.

"As President of the Senate, John presided with a fairness and an even handedness that was never questioned. The integrity of your rulings from this rostrum have set a standard and became a hallmark of this institution. Your insistence on maintaining the decorum of this body not only reminds us all of the terrific responsibility we have in being here, but it certainly helped this body to do its job in a timely, efficient manner.

"Dorothy and I had the privilege of traveling with you--sometimes around the state and abroad on two occasions. I might add those travels were not at public expense. I saw then how seriously you took your role as a representative of this body and this state. As an ambassador for this state, whether you were in my city of Everett or in Europe, you represented us with grace, intelligence and good humor that stood well for the state of Washington.

"Governor, I'm very proud to be a member of the Senate, primarily because it's an institution of which we can be proud. The truth is that is due in large part to your influence. You made that tradition and you made us proud. Dorothy and I wish you and Betty all the best in the years to come, and Governor I must tell you, I am extremely proud to have served and learned from you. Thank you."

## INTRODUCTION OF MAJORITY LEADER

President Pro Tempore Bluechel: "I would like to introduce the majority leader of the Washington State Senate, Senator Hayner."

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Governor Cherberg, Betty, Senators, Representatives and distinguished guests all. My Republican colleagues and I have served in both the minority and the majority with you, and we have the greatest respect that we could possibly have for you. Even though we have not always agreed on every issue, you have commanded that respect and you are a shining example of what a public servant should be in this state. You know, too often employees of government do not make it a lifetime career. They use it as a stepping stone or an interlude to something ever better. So, what you have done is an example for this state and for this nation for a true and dedicated public servant.

"Governor, in honor of your public service, as both the Lieutenant Governor and President of this body, we have a token of our esteem for you and our great respect for you which we would like to present at this time. Senator Vognild would you join me? This is a memento in your honor and what it contains is a photograph of the Legislative Building in which you have served with such distinction. It also contains the seal of the great state of Washington, and the seal of the Lieutenant Governor's office, together with two letters—one from Governor Booth Gardner and the other from Senator Larry Vognild and me, on behalf of the members of this body and contains all of the signatures of the current members.

"I would like to briefly quote from the text of the letters. From Governor Gardner:

'Dear Governor Cherberg, you have served so admirably and so dependably as Lieutenant Governor of the state of Washington, that you have almost come to define the office itself. I know of no political leader in the history of our state who has had a comparable impact on the institution of state government.'

"From the Senate letter to you:

'Governor, you have always been willing to share your experience and judgment with those who sought your counsel, veteran and freshman alike. Sometimes through instruction and always by example, you set a high standard for courtesy, fairness and dignity for this body and all public servants.'

"Governor Cherberg, on behalf of all of the members of the Washington State Senate, we want to extend our most sincere thanks for all that you have given to this institution and to all the people of Washington. Thank you."

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1989-8602

by Senators Hayner, Sellar, Vognild, Warnke, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams and Wojahn; Secretary of the Senate, Gordon A. Golob; Assistant Secretary of the Senate, Nate Naismith; Sergeant at Arms, George LaPold

WHEREAS, In this Centennial Year of the state of Washington, the Honorable John A. Cherberg ends his illustrious and notable career as President of the Senate and Lieutenant Governor of our great state of Washington; and

WHEREAS, Governor Cherberg has held the office of Lieutenant Governor with distinction and honor for thirty-two years, which is longer than any Lieutenant Governor in the history of the United States of America; and

WHEREAS, John A. Cherberg has served during the terms of five different Washington State Governors and has performed the duties of Acting Governor of the Evergreen State for longer than a full four-year term; and

WHEREAS, Throughout his notable and outstanding tenure in state government, Lieutenant Governor Cherberg has had the unswerving and enduring love and devotion of his wife of over fifty years - Betty - and the dedicated loyalty of his three children, Kay, Barbara and Jamie, his two grandchildren, Kimberly and Tyler, and the other loving members of his family; and

WHEREAS, By his charm, wit, intellect, diplomacy, energy and vision, Lieutenant Governor Cherberg has forged his way into the history books of the state of Washington and into the hearts of its people; and

WHEREAS, Lieutenant Governor Cherberg has compassionately led this state, at the helm of its Senate and as Acting Governor, through times both good and bad, and in the process has always carefully chosen his battles, such as those he led for passage of the State Open Meetings Act, for increased funding for cancer research and kidney dialysis programs, for strengthened laws against child abuse, and for excellence in education; and

WHEREAS, Lieutenant Governor Cherberg, in the exceptional, even-handed, dignified manner in which he has executed the duties of the office of Lieutenant Governor, has left not only a personal legacy, but has also set the standard by which future Lieutenant Governors shall be measured;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the contributions of Lieutenant Governor John A. Cherberg to the Senate and the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate declares January 10, 1989, as "John A. Cherberg Day" in the Washington State Senate; and

BE IT FURTHER RESOLVED, That the members of the Senate, with heavy heart and fond memory, do bid adieu to "The Guv," confident in the knowledge that he will continue to grace this chamber with his charm and leadership; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Lieutenant Governor John A. Cherberg and his family.

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would just like to have Governor Cherberg read the News Tribune today. It shows a fitting picture of Governor Rosellini; he's pitching hay out at Western State. They do not forget you, Governor, and all of the good work you have done. You have educated all of us. You have given support to the fact that you have been married to the same wife for these many years, who has done a very good job in keeping you in good health and I'm sure that she will continue to do so.

"I know that there are a lot of people over there in China who remember you well and your wife, Betty, and the trip you made as an ambassador. We will miss you, but don't leave us. We've got Senator Ted Peterson back here today. He says that it's just the same. He says there's no difference in the laws we make. I'm sure that while we will miss you, we will still continue to make these bad laws with good intentions. There will be plenty for you to do to keep your eye on this bunch and the rest, and particularly Senator Fleming, who in his hurry to get down to this session, smashed up his car. That shows how eager they are to get down here and it might be because of the per diem and not because of the laws. You can't get many lobbyists to feed you at home, but you can eat high on the hog here.

"We'll miss you, Governor, in spite of the idle words that I have said and we'll miss your wife and I know my wife, sitting up in the gallery, is going to miss you and your wife very much. Thank you for sticking with us for as long as you did. It's been a tremendous job. I'm surprised that you could maintain your good humor after the way some of us have challenged you here from the floor, but we found out you were right and we go on. Thanks for all the years of good service and the

good education you've given me personally and to the rest of the members of the Legislature. Thank you."

#### REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President, and members of the Senate. The accolades could go on all day and rightfully so, but I'd just like to add a personal note and that is how much that I and my family have appreciated the opportunity to know John and Betty Cherberg. When I have a constituent here, John Cherberg is the first one to come out, shake their hand, say hello, and talk to them about government. That just supersedes all the rulings and all the neat things that John does up on that podium. When he shakes somebody's hand and says, 'Welcome to the state of Washington,' it's very, very special. It's very special to me and I thank you very much for allowing me to have the privilege of associating with such a fine couple."

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "John, it was once said of an Irish statesman, who was very much loved by his people, that he could look into his own heart and know what the people of Ireland wanted. In you, Washingtonians have been blessed with a great leader. We've even named a building for you and perhaps, if we took a vote today, we could name the state of Washington or even King County for Cherberg. But John, it would still fall short of doing you the honor that we feel is due you--for in our hearts--for having the privilege of knowing you--and making a little bit of history together. Today marks the end of an era in the Senate. God help us to preserve in this great chamber the Cherberg heritage of dignity, grace and leadership. We love you John. What more can I say?"

#### REMARKS BY SENATOR RINEHART

Senator Rinehart: "Governor Cherberg and Betty. One of the things that we should realize as we stand here today and go through the list of adjectives that apply only and particularly to you--those adjectives of dignity, grace, charm, fairness--we have to remember there are a lot of people who are not here today, who regard you in a very special way. One of the reasons so many of us campaigned for your job was because we looked at you as a tremendous leader in our state and one of the things that all of us learned as we went around the state was that in every city, in every town, there are people who will come up and say, 'John Cherberg is my friend.' To be regarded, all across the state by people in every walk of life, as a friend, I think is the highest tribute that can be paid to you, not only for us, but for all those people across the state, who speak of you in reverence as a friend."

#### REMARKS BY SENATOR GASPARD

Senator Gaspard: "Thank you, Mr. President. Governor Cherberg and Betty, I wish to say thank you to both of you, but first to Betty. Betty, after all these years, thank you for being so willing to share John with us. He has been a friend of all of us here in the state of Washington. For those of us here in this legislative arena, Governor Cherberg, you have given us the pleasure of serving with the most distinguished, dedicated public servant that I've ever had the pleasure of meeting and serving with. As I look across this body and at least those of us who are current members of the Senate, I don't know, I think all of us have been under your tutelage and do not know of any other Lieutenant Governor, but John Cherberg, who has been President of these chambers for all these years--except maybe for the possibility of Senator Rasmussen, of course.

"With that, Governor Cherberg, you have set the example for all of us as we strive to be better public servants and you've left us with that legacy that is so important for those of us to pass on to our future generations. For that, Governor Cherberg, you will always have my thanks."

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The President would like to invite any former member or elected officials who are seated on the floor to make appropriate remarks if they so desire."

## REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the body. I would be somewhat remiss if I did not stand before this body and speak on this occasion. Not only remiss by the fact that we have a couple before us that have meant so much to the people of this state, but I would be remiss by the fact that even though Senator Rasmussen has more time, Governor John Cherberg is the only one serving in this body who was here when I arrived.

"We stand before you and we speak of all the kinds of things that you and Betty mean to us and in a place under this dome where so many people that serve get so hung up on ego and politics. You are one elected official who has served in this body and that is something that has never come to the forefront. You are not only respected in this body--as was said before--as one travels throughout this state, you're not only respected within the institution you so much respect, but you are respected for the person that you are--for the elected official that you've been--and we all love you. Not only do we who serve with you love you and Betty, but as was said before, as you go from every nook and cranny of this state, they love you Gov, so I do not want to speak to that issue.

"I would just like to say if I could say nothing else, you and Betty, you're what we call a 'class act.' Thank you."

## REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President and members of the Senate. It is a privilege and an honor for me to have served in this body under the leadership of John Cherberg and a privilege to speak briefly in honor of him. I used to be a math teacher and I was doing a little mathematics, and I believe my math is correct, that John has presided over the Senate for more than half the time that this chamber has been used by the Senate--that is, since it was built. I think that really is significant.

"Just a word to George, I might correct you on one thing you said, I was here when you arrived, also."

## REMARKS BY SENATOR DEJARNATT

Senator DeJarnatt: "Thank you, Mr. President. Governor Rosellini, Governor Cherberg. There have been a lot of tough acts to follow here, but I'll make my modest contribution. I first met John Cherberg during the campaign in 1956 when I was President of the Young Democrats in Cowlitz County and we sponsored a rally down there.

"I came to this chamber along with Senator Metcalf--not this chamber, but across the way--in 1961 during Governor Cherberg's second term as Lieutenant Governor. Before you became Lieutenant Governor, you had a career as a coach. As a former coach myself, I think the term 'coach' is one of the greatest titles that anyone can bear. I think it ranks right up there with Senator, Governor, Judge or anything else, but I don't think you stopped being a coach. You continued being a coach as you presided over this body. You coached us in good manners. You coached us in being a gentle man or gentle lady. You coached about rules of procedure--orderly process. You brought out the best in us and I think that may well be your greatest legacy, the dignity and the decorum that you brought to this chamber. I say not a good-bye, because we hope to see you around, but good tidings to one of the greatest coaches in the history of the state of Washington."

## REMARKS BY FORMER SENATOR JOHN JONES

Senator Jones: "Mr. President, I am an emotional Welshman and I may get a little teary here, but I do have very fond memories of John and Betty. Ruth wishes me to say hello, not good-bye to you. I have some great memories. I think the most vivid is the one when I went into the office of Snyder--Golob was there--George Clark and you, and we had a little set-to and I think that is the only friction I ever saw in our office and it's a wonderful memory, because everybody came out of there feeling pretty good about it. I think we were hoping somehow we could overturn one of your decisions. It just didn't work. They've been great memories.

"Our travels together have been outstanding and I just hope to see more of you, John. You'll be around town. I would hope that one of us would call each

other. When we get back we'll see Cec Gholson, those of us who are still alive and get together for lunch. Thanks so much for the opportunity and for the experience of acquaintanceship."

#### REMARKS BY PUBLIC LANDS COMMISSIONER BRIAN BOYLE

Commissioner Boyle: "Thank you, Mr. President. It may be kind of unprecedented for a non-member to speak from the floor, but I am an occupant of the John A. Cherberg Building, as some of you know in the Senate. I also have the distinction of being only one of two Commissioners of Public Lands who had the opportunity to serve with Governor Cherberg on the committee we know as the Capitol Committee.

"To me, one of the legacies that we should remind ourselves of as we watch Governor Cherberg pass from the scene here, is that as a member of the Capitol Committee under many Governors, he has been the one person that has stood for keeping the State Capitol as beautiful as it was originally envisioned. There have been a number of errant attempts to change the essence of the State Capitol and the west campus of the State Capitol. Governor Cherberg, I know, has been the one person who has led the charge always to prevent the beauty of this capitol from being defaced or in any way changed from the way it was originally imagined by the designers of the capitol. I think we should all thank him when we walk through this west campus, as Governor Cherberg, singularly, is responsible for keeping it as beautiful as it has been kept. Thank you."

#### REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "Thank you, Mr. President. Obviously, Brian hasn't checked his mail today. You were in the John Cherberg Building.

"I agree with everything that's been said. In fact, I wish I could think of some of the descriptive adjectives that the Governor has used throughout the years, except those he levied at me. I'm sure you wouldn't want to hear those. I remember when I first arrived here and was introduced to the Governor. He said to me, 'Are you going to give me any trouble?' I haven't given you any trouble until today. Actually, a lot of people don't know it, but I'm a mind reader and I was reading Betty's mind when all these accolades were being levied towards the Governor and she said mentally, 'I've got to go check my marriage license, because I don't know about the guy they're talking about.' You're going to find Betty, that when you check that marriage license, it's true that you've been married to this delightful man for many, many years.

"I've had the opportunity to serve with him for eight years. I guess I've got as much love for him as any Republican has for any Democrat. I think that's both ways. He's probably one of the finest gentlemen I've ever met in my life. Being a previous coach, I guess we are running in a substitute, but John you'll always be on the first team and you're All American to me. I can remember some of the remarks you made about Senator Woody and I, and of course, I can't publish those--nor can I repeat them. They were beautiful.

"John and I used to send notes back and forth. That's when I learned to write in 1982, and John helped me with that, but we passed notes back and forth. Of course, you folks didn't have the privilege of seeing some of those notes. They were absolutely fantastic. If I had been a little smarter, and of course the Democrats will believe I'm not that smart, I would have saved all of them, because I could have made a fortune in a book.

"John, I guess the bottom line is, as Senator Fleming said, 'We love you John.' We will always love you and we will look forward to any time you come back. God bless you and Betty."

#### REMARKS BY FORMER SENATOR TED PETERSON

Senator Peterson: "Well, this old ticker of mine is really pumping now, John and Betty, I'll tell you. To be back here, under these circumstances, is just--well it's just beyond me. I can look back when I came into this Senate--Emmett Anderson, the Lieutenant Governor, was serving here. Over the period of over twenty years that I served in the Senate, it's just been nice. Close your mouth there, Al. I served--we were sitting back here--and I can always remember Al the wonderful times



that we had. I should say Governor Al. Then, having served under Art Langley and then coming into your honor, Albert D. Rosellini, and then coming into Dan Evans and serving all that time, it has just been wonderful.

"I just had to get up, John and Betty, and tell how wonderful it is to be alive and know you as well as I have, down through the years, and to be here on this wonderful occasion to honor you now, Governor, I'll never forget some of the wonderful times we had here. To you in the Senate, I just want to say that it's just great to be here and feel honored as I know you do, by being a member of this wonderful body of Senators here in this wonderful building. I'm so happy that you haven't defaced it with a lot of pictures and things like that."

#### REMARKS BY JUSTICE JAMES DOLLIVER

Justice Dolliver: "Thank you, Mr. President. I want to talk about Governor Cherberg in a slightly different aspect--his aspect as Acting Governor. During the time I was on the staff of Dan Evans, I suspect he made most of the four years up during that time. Governor Evans had a habit of leaving town from time to time and Governor Cherberg took over. Mostly they were routine matters, but I want to tell the members of the Senate and remind Governor Cherberg of this particular incident where you took the measure of the man, but what that man did under enormous pressure.

"This is in the early 1970's. The Governor was in Japan--unavailable. This is one of the times that one of the marches was going to be held. Governor Cherberg and I were together in Seattle. Calls were made by prominent elected officials to call out the National Guard, that one ought to do this or one ought to do that. It was a time for calmness and maturity and judgment and I want to say to you, Governor, and I will never forget it--I'm sure you remember--the incident and the occasion when, through your judgment, through your control of the situation, through your ability to understand what really was going on, you saved the state of Washington, single-handedly, really. You saved the state of Washington from what could have been a very, very serious, if not disastrous situation. If nothing else in your illustrious career could be pointed to, and I suspect most people here don't even know the story, that one incident and you'll remember it well when you said, 'No, we're not going to call out the Guard. No, we're not going to have a violent reaction. Everybody is going to stay calm. I'm the acting Governor and things are going to work out.' That happened and it did.

"Governor, as you and Betty go into retirement, at least from this phase in your life, I'll remember you always and wish you and Betty God speed."

#### REMARKS BY FORMER SENATOR BOB LEWIS

Senator Lewis: "Governor Cherberg and Betty, thank you very much."

#### REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President and everybody. I was at the University at the same time the Cherbergs were there. I have known them for a long time and watched them for these many years, but I would like to tell you today about my arrival in the Senate. Now keep in mind that I had run numerous times before, even the Attorney General, Ken Eikenberry, had defeated me.

"When I arrived here, I thought out of courtesy I should call on the Lieutenant Governor. So, I went in and we shook hands and I said, 'Governor, I wonder if you could give an old man, arriving here for the first time, some advice.' With his usual grace, he invited me to come into the office and sit down and he got the silver service out and we had coffee and he said, 'What was your question again?' I said, 'Do you have some advice to give an old man arriving here for the first time?' He pondered for a moment and he said, 'Always vote your conscience,' and then he reached over and grabbed my arm and said, 'But don't forget the district.' I tell you, that is probably the best advice that I've have in my entire life.

"I think that's one of the reasons why I want to thank Betty and John for being my neighbors. We live so close together, we can wave to each other from our decks and I want to continue to do that as long as we may live. Thank you."

## REMARKS BY FORMER REPRESENTATIVE FRANCES NORTH

Representative North: "Hi John and Betty. John gave me some very good advice when I was in the House of Representatives. I had just been elected and hadn't taken office yet. When Justice Dolliver told your history about calmness, I remembered that Lieutenant Governor John Cherberg gave me a post card with his name on it and he wrote on it, 'Keep calm.' That's the best advice I've ever had, and John, thank you for that advice. I'll remember it forever. Your door was always open to me when I was in the State House and I'll remember you forever. Thank you."

## REMARKS BY SENATOR HANSEN

Senator Hansen: "Thank you, Mr. President. You know I agree with everything that's been said here today. This is a great man and a great wife that goes with him. Personally, I wanted to just thank them very much for being my friend."

## REMARKS BY SENATOR SUTHERLAND

Senator Sutherland: "Thank you, Mr. President, Governor Cherberg and Betty, from the heart of a freshman who has a real appreciation for the institution of government, I want to thank you. As a freshman in the House, you looked me up as you've done many, many folks in the state of Washington, and invited me out to dinner. It was then that we began an acquaintance and friendship that has helped me as far as giving me advice and counsel to help serve as we are all here to do for the citizens of our area.

"We've heard many comments on how you've given advice today, but it's also a privilege for me as a new member of the Senate to begin serving my time in the Senate, to begin serving the state of Washington in its second one hundred years, to have been sworn in, Sir, by you. I appreciate that and as I continue my service to the citizens of the state of Washington, for those in my district as Senator Moore mentioned which is very important to each of us, I want to thank you for helping me, not only to begin my service in the House of Representatives with advice and counsel, but in the Senate by swearing me in and by being here and helping to set the stage for a Centennial Session and for the second one hundred years in the state of Washington. Thank you very much."

## FURTHER REMARKS BY SENATOR TED PETERSON

Senator Peterson did not use the loud speaker microphone and his additional remarks were not audible.

## REMARKS BY SENATOR CRASWELL

Senator Craswell: "Lieutenant Governor, yesterday I thanked you for your years of great leadership and for the fine example that you had set for each of us and I meant that very sincerely. Today, I've been here listening to all these accolades, which you so deserve and I agree one hundred percent with all of them, but there's one other thing I would like to add. It's been written that the function of government is to reward those who do good and punish those who go wrong. We spend a lot of time in these chambers writing laws to take care of those who do wrong, but seldom does anybody in the role of government spend the time that you do in rewarding those who do good.

"I don't know how many times I've come to your office and said that there's somebody who has done something really meritorious in my district and could I get you to send out one of your certificates to them. I don't know how many certificates you've sent around the state to give a special pat on the back to people who have done wonderful things, but I can't tell you how much that means to a citizen who has volunteered their time or done something really special to receive that meritorious award from your office. It's meant so much to them and it's meant a lot to me and I know it's encouraged many others of this state to do something good. Thank you."

## REMARKS BY FORMER REPRESENTATIVE EARL TILLY

Representative Tilly: "Thank you, Mr. President. Governor Cherberg and Mrs. Cherberg. I feel Eastern Washington maybe needs a little bit more representation

today. I guess like many of us, who have served in the House and those in the Senate always have that feeling, we're really the minority. I first met Governor Cherberg when I was campaigning in 1972 for the House, and I remembered some of the words that he spoke in the dedication of the first handicapped facility in Wenatchee. It really, I think, awakened my awareness of the needs for those people. This was the time when the state institutions were sort of being closed out. We were going to a community base and I think he helped me increase an awareness for those people who cannot help themselves. I appreciated his leadership in getting those facilities established.

"I guess my second great memory of the Cherbergs is when I was in the group that travelled to China in 1980. I really increased my awareness again of these people who are saying good things today and I got to know them so much better and so much more personally. Seeing some of those alumni of that trip today and hearing some of the words, it makes me feel real good that I could be here today and be with you. I'll always have those great memories of the Cherbergs. Thank you."

#### REMARKS BY FORMER SECRETARY OF THE SENATE SID SNYDER

Secretary Snyder: "Thank you, Alan. Governor Cherberg and Betty and Governor Rosellini. I just want to tell a couple stories. In the 1970s, we had a little different group coming into the Senate. You know, the Vietnam War was on and people were a little more relaxed and Governor Cherberg always liked to keep the decorum, as we all know. We had one Senator, in particular, who would come in on Saturday with pants made out of flour sacks. If we had a Sunday session, he didn't believe he should wear a tie or shave. Well, the Governor was kind of perturbed about it, even though he didn't let too many people know, but Bill Gissberg kind of picked up and went over and talked to the Senator and he came back and reassured Governor Cherberg that there would be no more flour sack pants and the Senator would be sure and shave if we had Sunday sessions. That was a freshman member at that time and his name was Booth Gardner.

"Governor Cherberg always said that presiding over the Senate was not much different than being a coach. The only difference, instead of a whistle, you had a gavel. Well, to me it was more like somebody that was conducting the philharmonic orchestra. It was more like a baton than a gavel in his hand. Gov, you did a great job. Thank you."

#### REMARKS BY COLUMNIST ADELE FERGUSON

Adele Ferguson: "John, dear old friend. I remember stories about you too, and I love to hear about all this. Remember the time when McCutcheon was standing out there and he couldn't understand why the television cameramen weren't taking his picture, so he said to Cherberg, 'Governor Cherberg, why don't they take my picture?' So Cherberg said, 'Will the television cameramen please take Senator McCutcheon's picture?' The cameraman went like this (finger in air). Cherberg charged off the rostrum, got him by the scruff of the neck. He thought he was giving him the finger and all he was trying to tell him was that the lights weren't on. He couldn't see anything. Then, there was the time he threw the whole television crew out of the Rules Room. They insisted on standing behind the members and by gosh, he wasn't going to let that happen and out they went.

"Yet, nobody did more to open up government than John Cherberg. Nobody--nobody worked harder for public disclosure than John Cherberg. Now, I won't go on. I remember when I came here in 1961, you guys were out there eating apples and candy bars and reading newspapers and drinking coffee. He stopped that--shaped you up--put coats and ties and all that kind of stuff on you, gavelled you down when you were out there talking when you shouldn't have been.

"Well, let me say, John, after hearing all this good stuff about you now, remember you've been certified. When you sit down with Booth Gardner to discuss that retainer, you stick it to him."

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "I wonder if the distinguished reporter would be willing to put that in her next column."

## FURTHER REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I think you should announce that the speaker was Adele Ferguson. Many of the legislators recognize Adele, but many of the public do not. She's just as good looking as her by-line.

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "My error, Senator Rasmussen."

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I was sure Senator Rasmussen was going to move that the remarks be inserted in the Journal."

## REMARKS BY FORMER SENATOR TED BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I toyed with the question, whether I ought to get up and reveal some truths and secrets that have been so far held from public scrutiny, but George Turnman, who was Lieutenant Governor of the state of Montana, and I serve on a regional body together, and George was asking me why John was stepping down. I told him that I would check and try and get a real honest answer and I cabled him the other day. It had something to do with the rugs.

"John and Betty, it really isn't so bad out there. The only bad thing that I can think of telling you about retirement is that you'll now have to have three pieces of ID to cash a check."

## FURTHER REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "I just received a note, Mr. President, that said, 'Would you please hurry up? My four years are almost up. Signed: Joel Pritchard.'"

## REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Bluechel: "Lieutenant Governor Cherberg. It is my personal privilege to be among only a handful of Senators, chosen by my peers, to briefly take your place here on the rostrum. When it comes to courtesy, dignity, and grace under pressure, no President Pro Tempore has ever been able to match your most distinguished performance. You have been a shining example to all Senators who have served with you, of how a public official should conduct himself. One of your greatest contributions has been the decorum you have maintained in this chamber through the sheer force of your will and your sustained dignity. Governor Cherberg, you have set standards by which all future presiding officers in this body will be judged. To me personally, you have been a patient and understanding teacher. Along with all the others gathered here to honor you, let me add my best wishes for a bright and happy future.

"I would now like to turn the gavel over to Lieutenant Governor Cherberg for his remarks, but before I do, I would like to invite the Governors, the members of the Senate, and all of our distinguished guests, to attend a reception in honor of the Lieutenant Governor in the State Reception Room immediately upon adjournment. Governor Cherberg."

## REMARKS BY LIEUTENANT GOVERNOR CHERBERG

President Cherberg: "I am deeply grateful. It is wonderful to smell the flowers while I'm still around to enjoy them.

"Distinguished guests, ladies and gentlemen of the Senate. As I greet you for this final time in an official capacity, I wish to express my heartfelt thanks for all of the courtesies you have extended to me over these many years.

"I look back on serious times and lighter times, but they all were good times for me. My efforts have been made so much lighter by the outstanding men and women of the Senate, and those of my personal staff and the officers and employees of the Senate.

"The Secretary of the Senate plays a major role in everything that goes on from the podium and in assuring that the Senate runs smoothly. In that position, Ward Bowden, the Secretary of the Senate in my first years here, got me off on the right track and laid the foundation for my work as presiding officer. On Ward's

untimely passing, Sid Snyder became the Secretary of the Senate. Sid was my good right hand for more than nineteen years. His contribution on parliamentary matters is unsurpassed in the history of the Senate, in my estimation. I don't know what I would have done without Sid Snyder. The present Secretary of the Senate, Gordon Golob, has his feet on the ground and is doing a fine job.

"I have had the benefit of outstanding legal advice from a number of excellent attorneys to the Lieutenant Governor. Jim McBride was my attorney in the first session in 1957. Don McGavick served in 1959. Both are now deceased. John Crowley joined me in 1961, and served the longest of the legal advisers I have had, through the 1977 session. John is now the executive officer of the State Horse Racing Commission. Following John were Tony Cook, now an official with the State Utilities and Transportation Commission, and Gail Toraason, still familiar in Olympia as a member of the Third House. Mike O'Connell and Marty Brown have been of invaluable service to me. Marty has been my legal adviser since the 1981 session and he is just completing a monumental work in classifying and codifying all of the Rulings and Precedents of the President of the Senate.

"Charlie Johnson was elected Senate Sergeant at Arms in my first session. He served well until a change in the majority in 1981. Fred Hildebrand was his successor, followed by my good and loyal friend, Ole Scarpelli, who has been with me since the first day—always ready to do the job no matter what it was. George LaPold now holds the job and is doing a fine job.

"In my personal office, I have been exceedingly fortunate. Mary Lou Bammert has been my personal secretary since I was sworn in to office. In fact, Mary Lou has served two and one-half days longer than I have, as she went on the payroll the opening day of the 1957 session. Much of our success, especially in handling constituent problems, I owe to Mary Lou. I don't know how she stood thirty-two years with me. Others who contributed greatly on my personal staff were Mary Kay Krinbring, with me for twenty-two years doing an excellent job until her untimely passing. Mary Wiley, who is with us as Journal Clerk on the rostrum today, did marvelous work for me. Judy Keefe and Diane Sandvik also contributed to a very smooth running office of the Lieutenant Governor. The many employees of the Senate these thirty-two years have made my work so much easier.

"All of the members of the Senate have been generous and exceedingly kind to me. I will remember you all very fondly. It has been a great honor and a high privilege to serve the citizens of Washington State and the Senate. All the best for the future and God bless you all. All I ask is to remember me. If the remembrance be a fault, forget me. Thank you so very, very much."

#### FURTHER REMARKS BY THE LIEUTENANT GOVERNOR

President Cherberg: "I would like to say that I saved the best to the last. I want to say that it is simply wonderful to have one of the greatest women in the world, my wife Betty."

"I'd like to introduce our first daughter, Kay Cohrs. Where are you Kay? Come on up."

Senator Sutherland escorted Kay to the rostrum.

"Our second daughter, Barbara Tonkin."

Senator Sutherland escorted Barbara to the rostrum.

"Our first son, Jamie Cherberg, now Dr. Cherberg. Where are you, Jim?"

Senator Stratton escorted Dr. Cherberg to the rostrum.

"So there they are. They're all married. I made enough mistakes. I think I'm going to shut my big mouth."

#### MOTION

On motion of Senator Newhouse, the remarks of Lieutenant Governor Cherberg will be spread upon the Journal, as well as distributed to members of the Senate.

EDITOR'S NOTE: See motion by Senator Bluechel on the Fifth Day, January 13, 1989, to include in the Journal the complete ceremony honoring Lieutenant Governor Cherberg.

## MOTION

At 11:35 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:45 a.m., Wednesday, January 11, 1989.

JOHN A. CHERBERG, President of the Senate.  
GORDON A. GOLOB, Secretary of the Senate.

### THIRD DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 11, 1989

The Senate was called to order at 11:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages T. J. Fisher and Rollie Schmitt, Jr., presented the Colors. Sister Georgette Bayless, director of chaplains, St. Peter Hospital, of Olympia, offered the prayer.

#### MOTION

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

At 11:50 a.m., the Senate retired to the House Chamber for the purpose of a Joint Session.

#### JOINT SESSION

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

The Speaker instructed the Sergeants at Arms to escort the President of the Senate, Lieutenant Governor John L. Cherberg, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild to seats on the rostrum.

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

The Speaker presented the gavel to President Cherberg.

#### REMARKS BY THE SPEAKER

The Speaker: "It is indeed a pleasure for me, Governor Cherberg, to turn this gavel over to you to preside over this Joint Session. As always, you dignify this body with your grace and eloquence."

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

The Clerk of the House called the roll of the House and all members were present except Representative Hargrove, who was excused.

The President of the Senate appointed Senators McMullen, Murray, McDonald and Amondson and Representatives Baugher, Spanel, Patrick and Smith as a special committee to advise Governor Booth Gardner that the Joint Session had assembled and to escort him and Mrs. Gardner from the State Reception Room to seats on the House Rostrum.

The President of the Senate appointed Senators Fleming, Sutherland, Anderson and Thorsness and Representatives Braddock, Cooper, H. Sommers, Padden and Schmidt as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Kreidler, Owen, Bailey and von Reichbauer and Representatives Bristow, Scott and Holland as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senator West and Representatives Day and Fuhrman as a special committee to escort the Congressional Delegation from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Gaspard and Johnson and Representatives Crane and Winsley as a special committee to escort Dr. Frank B.

Brouillet and Mr. Robert S. O'Brien from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices, the State Elected Officials, the Congressional Delegation, Dr. Frank B. Brouillet and Mr. Robert S. O'Brien.

The President of the Senate introduced Governor and Mrs. Booth Gardner and members of the Governor's family including Mr. Norton Clapp, Mr. Bill Clapp, Mr. Doug Gardner, Mr. and Mrs. John Nettleton, Mr. Max Davison and Ms. Joan Blethen.

The flag was escorted to the rostrum by the Sergeant at Arms Color Guard consisting of Pages Darcy Bristow and Michael Hasenstab.

The following prayer was offered by Dr. Dale Turner, retired Minister of the University Congregational Church of Seattle:

"Eternal God, hear our prayer of gratitude for the high purpose that brings us to this place and for the excitement and promise of new beginnings. We praise You for our state and for all who have served in a century gone by to lay the firm foundation upon which we now may build. Teach us, O God, the proper uses of the past that we may better serve in the present and more wisely plan for the future. We thank You for the humor we have here experienced lending perspective to all that we do.

"O God, in these tumultuous days, when the issues of tomorrow weigh upon the decisions of today, we pray Your guidance with Governor Gardner and all who will share leadership with him. Grant to them humility without timidity, competence without arrogance, and may they exercise authority without being authoritarian. May they be just in the exercise of power, reverent in the use of freedom, and generous in the protection of weakness. Help us all to play a constructive part in the life of our time. We thank You for the good that we can do together that no one of us can do alone. Keep us from falling into moaning about how bad the world is and help us to work for the good it was intended to be. Nag us continually about our priorities until what matters most to You is what matters most to us. Make keen our minds to distinguish between what is really true and what is merely the defense of our own position.

"And, in love of truth, let us not be content to wait and see what will happen, but let us make the right things happen. Comfort us when we are overcome by affliction and afflict us with the pain of loving involvement when we are overcome by comfort. May we be mature in our actions, childlike but never childish, humble but never cringing, understanding but never conceited, always free from bitterness, self pity or despair.

"And so, Eternal God, help us to be among the honorable company of citizens who lift our society and do not lean upon it and thus make it a better and a brighter society because we dwell within it. And may the just and peaceful world for which we all yearn be built upon the cornerstone of a strong and friendly state. To this end we all dedicate ourselves this day. Amen."

The National Anthem was sung by Jan Stentz.

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

#### SPECIAL ORDER OF BUSINESS

Speaker King: "These inaugural ceremonies mark both a continuation and a beginning of public office. This occasion also marks, for three distinguished Washingtonians here today, retirement from office following long careers of outstanding achievement. Before we engage in those rites which look to the future, let us honor these three who have served this state so well for so long.

"Three former Speakers of the House of Representatives have joined us for this worthy purpose. Distinguished service to their state is something held in common by all three former Speakers on the rostrum with me.

"Charles Hodde was Speaker during some important and turbulent years in the state of Washington. Springing from a distinguished career in the House in the 1930's and 40's, Charles Hodde served as Speaker during 1949-51. Known to some



of his political opponents as 'Little Caesar,' he was widely respected for his abilities. During his tenure, the number of miles of state roads multiplied several times. In the reminiscences of that period, Mr. Hodde noted that, especially in the rural areas, 'if you didn't come home with a new stretch of highway or a new bridge built by the state ... you probably wouldn't get re-elected.'

"Wayne Ehlers was Speaker from 1983-86, and he did much more than bring the leisure suit into popular acceptance. He also made the state a better place for all of us. The needs of education were uppermost on Wayne Ehler's agenda. The State School Directors' Association called his last session as Speaker 'one of the most successful legislative sessions for education in history.' It has also been said that a lot of polyesters had to die in order for Wayne to get dressed for work. But, he kept his sense of humor, even on the rostrum. When his gavel strayed too far off the block and smashed the glass, slogans were born that lasted the entire session--'Ready, fire, aim.'

"Robert Schaefer was Speaker of the House in 1965-66. He was an attorney from Vancouver before taking his place in the House. Schaefer was a near-perfect choice for the times. He emerged as a compromise leader when members of the Majority Caucus had trouble picking a new Speaker. He was a smart choice. On that, many of the members of the day agree. Schaefer turned out to be effective and highly organized, and he earned high marks for his thoroughness and fair play. I got to watch Speaker Schaefer in Clark County and he taught me the 'picket fence school of government.' You walk up and down that picket fence very carefully. You don't press too hard, but you press on this picket; you press on the next. When you find a picket that is loose, you very carefully take it down. You move up and down the fence, and pretty soon you have a hole in the fence and you very politely step to the other side."

The Speaker introduced Speaker Wayne Ehlers to make a special presentation to Dr. Frank B. Brouillet.

Speaker Ehlers: "Thank you, Mr. Speaker. Governor Gardner, Lieutenant Governor Pritchard, distinguished elected officials, honored guests and friends. It is with a great deal of pleasure that I am here today to share some thoughts about these people, who have been a very important part of my life. As I was driving down this morning, I thought of the more than one hundred years of distinguished public service of the three gentlemen we are honoring today. I remembered the 1950s, when I was a freshman in college and John Cherberg was first elected Lieutenant Governor. By that time, Treasurer O'Brien had already been Clark County Treasurer for a number of years, certainly all through my high school days. Dr. Frank "Buster" Brouillet was elected as a State Representative in 1956; again, I was still in school as a freshman.

"I taught for a number of years--first in 1960 in a Tacoma high school. I had a chance to see a legislator, an educator, a counselor, a coach who was well respected by not only the Legislature and the public, but also, certainly, by students and teachers. As time went on, I continued to teach and watch from afar the career of Buster Brouillet. It was certainly a distinguished career. Again, he was first elected in 1956 and promoted education legislation which was truly a landmark, not only for this state, but also for this nation. It provided an appropriate education for the handicapped, for the disabled, in our state.

"Later Buster became Superintendent of Public Instruction, after a stint with the Community College at Highline. He was elected in 1972 to the first of four terms as Superintendent of Public Instruction. I won't tell you all of the highlights of Buster Brouillet's career in that office, but there are many. He certainly provided leadership in bilingual education, vocational education, special education, remedial education, programs for the gifted, and some programs that aren't particularly well known, but perhaps some of you have had contact with them, including international education. In the last three years, for example, we have had two hundred and fifty exchange students from China and Japan. We don't read much about that in the newspapers, but a lot of the credit for international education goes to the gentleman we are honoring today. Lastly, he certainly deserves credit for something, which some of us should have been much more aware of and concerned

with, and that is dropout prevention and substance abuse. He kept reminding us of that before it became the popular thing to address. He was there first.

"As I was trying to put together some ending remarks, I thought I might give a recitation of a poem or a light story. Then I thought of Marge and Buster and that this is not truly an ending. It is a beginning. I suspect we are going to hear a lot more from Buster Brouillet, whether we want to or not, over the next few years. We would all be the better for that. It is with a great deal of pleasure that I have the opportunity to present this plaque and to introduce a teacher, a coach, a counselor, a college administrator, a State Representative, Superintendent of Public Instruction, and friend, Dr. Frank "Buster" Brouillet."

Speaker Ehlers presented to Dr. Frank B. Brouillet an engraved plaque, recognizing his sixteen years of dedicated service to the people of the state of Washington as Superintendent of Public Instruction.

#### REMARKS BY FRANK "BUSTER" BROUILLET

Dr. Brouillet: "Thank you very much, Wayne, Governor Gardner and Jean, Lieutenant Governor Cherberg and other distinguished guests. This is always an interesting time in one's life, because you look back and you think, 'Those were great years,' and you enjoyed them. But then, there is looking forward. Marge and I look forward to doing some other things as we move ahead.

"Let me say that education in the state of Washington, in spite of all the prodding that some may give you, is in good shape. I would like to tell you that it is all because of the State Superintendent, but we, in this room, know that is not true. You have played a very distinguished part in it. I want to say to you, 'Thank you.' Even though we may have disagreed on principle, we never did disagree personally. I mark among my friends people on both sides of this aisle, and many others in this state, who have helped me to try and do some things for our most important natural resource, our young people.

"Let me say to you, sixteen years in the Legislature was great and sixteen years as State Superintendent was even greater. You have been an important part of that, and I want to thank you so much for this honor and for your help. God bless you and good luck."

The Speaker introduced Speaker Robert Schaefer to make a special presentation to Mr. Robert S. O'Brien.

Speaker Schaefer: "Mr. Speaker, Governor Gardner and Jean, Lieutenant Governor Cherberg, Lieutenant Governor Pritchard and distinguished elected officials. It is really a pleasure to be here today on this occasion. Our state has been blessed by long and continuous service to the state of Washington by many outstanding men and women. One of these outstanding individuals was sworn in for the first term as State Treasurer after serving many years as a County Treasurer. It is only fitting that during our centennial year we reflect on this type of outstanding service and take time to show our appreciation to people such as Bob O'Brien, who have made our state and nation a better place in which to live.

"When Bob O'Brien's name first appeared on the ballot in 1965, to run for statewide office as our state's chief banker, his name was listed along with well-known names such as Goldwater and L.B.J. That is our history. Bob O'Brien has served six terms as State Treasurer. Counting his time as treasurer of Grant County, he has been elected to ten consecutive four-year terms as a treasurer handling our public funds. That is longevity and real dedication to all of us. Many federal and state administration office holders, famous or infamous, have come and gone with regularity in these years.

"Bob, who was first elected in 1965 as State Treasurer, has held a never-relinquishing grip on the treasurer's office until now. Some might call that stubbornness. But, it is also a lot more. He quietly and efficiently has gone about the business of managing our state's financial resources and keeping this state on an even keel. During his twenty-four years as State Treasurer, Bob O'Brien elevated investment income to a role of a major source of funding for this state. He has said of his job that his greatest responsibility was to be a good money manager, to get the greatest return from our state funds. He has done just that and we all thank him for it.

"His list of professional activities is impressive. During his service with Grant County, he was elected as President of the Washington State County Treasurers' Association and was also President of the Washington Association of County Elected Officials for an unprecedented three consecutive terms. In his role as State Treasurer, he has served as Chairman of the State Finance Committee, Chairman of the Public Deposit Protection Commission, a member of the State Investment Board, and Secretary of the State Housing Finance Commission. Many other boards and committees, task forces and professional associations have been well served by this man's participation. His kind of service to this state will be sorely missed. We all wish you well, Bob."

Speaker Schaefer presented to Mr. Robert S. O'Brien an engraved plaque, recognizing his twenty-four years of dedicated service to the people of the state of Washington as State Treasurer.

#### REMARKS BY ROBERT O'BRIEN

Mr. O'Brien: "Governor Gardner and Jean, distinguished and honored guests all. To tell you that I didn't have mixed emotions today would not be the truth. You cannot have been associated with government for thirty-eight years, as I have, without having a lot of thoughts about this particular time. I look here at the people. Over the years, if we have had success in our treasurer's office, and we have had, it is because of the authority and assistance the Legislature gave to this treasurer. Every time we had a reasonable request, it was never turned down. As a result, we have one of the most active treasuries in the nation which, as has been pointed out, has made more money than most any others by far. I will not go on with this, other than to say that I sincerely appreciate the faith and trust and loyalty that you have all placed in Bob O'Brien over the years. I'll look forward to working with you in the future. Thank you."

The Speaker introduced Speaker Charlie Hodde to make a special presentation to Lieutenant Governor John A. Cherberg.

Speaker Hodde: "I just want to tell everybody that I am standing up. I had my picture taken one time with Governor Rosellini and President Johnson. It was cut off at the waist. I brought it home and proudly showed it to some of my employees in the tax commission. One fellow there, who had always been a very nice guy, said, 'I thought you were supposed to stand up when you shook hands with the President.'"

"I enjoy being here today and one of the reasons that I am willing to participate in the program is that I got a free place to park right in the building. Anytime you want to furnish me a service like that, I am willing to come and make a talk. So, judge by today whether or not that should be a trade."

"I understood you had John Sylvester here to entertain you for a short time on Monday. Now, I am a relative newcomer because this is only my fortieth anniversary, not fiftieth, of having been Speaker. I have been here quite a bit in different capacities since."

"There are two people here today who were leaders during my term as Speaker. Once in awhile a little difference occurred. I would first like to recognize Slim Rasmussen, who was my floor leader in 1949—one of them. I had two—he and Bob Fuller. We got along fine; he followed my orders quite well with one exception. He insisted that the ladies in the home should be able to get colored margarine without having to color it themselves. I was able to defeat him in the Legislature, being an old cow milker myself. But that guy went home and organized an initiative campaign right in his kitchen. He put it over and forced colored oleo down all those cow milkers' throats. The other guy who was here at the time is John O'Brien. I don't have to introduce John O'Brien to you anymore than I do Slim Rasmussen. John, also, was a very cooperative assistant, except that when I ran for reelection in 1951, he ran against me for Speaker. I got even with him. I made him Chairman of the Appropriations Committee. I have always thought that the reason he got back into the Speaker race and stayed there four terms is that he found out that being Chairman of Appropriations is work and it would be better to be Speaker. My congratulations to John O'Brien for serving very many years, and I am not giving him a retirement plaque today."

"Before I get into too much about the Lieutenant Governor, I'll just take time to button my vest. Some of us have learned when we are working with Cherberg, we have to be quite proper. I was told that if I was going to perform this, I would have to wear a vest today. I'm surprised you don't have one on, Governor.

"Governor Cherberg has been subjected, I think that is the term I'll use, to an awful lot of oratory, so I'm not going to make this very long. I am going to relate that at one time, and he may have forgotten this, he sort of gave me credit for getting elected the first time. I had been urged to run for Lieutenant Governor; I tried for Governor four years earlier and only came in third on the Democratic ticket. Rosellini particularly had urged me to run for Lieutenant Governor; he thought it would strengthen the ticket in Eastern Washington. But I couldn't see doing that at the time, because I was lined up to be chairman of the committee against him. Anyway, I didn't run for Lieutenant Governor, so Cherberg got elected. I didn't make that up; he's the one that told me first.

"He did bring quite a welcome change to the Senate, as far as I was concerned. What I would say would be repetitive, because it has been said before. I just want again to mention that not only has he been an excellent presiding officer, and not only has he had the respect of both sides of the aisle in handling his duties in that office, but he also has spent more time being Governor than several of our Governors during the time he has served. The time he spent while they were out of state adds up to more time than Spellman served and Dixy served. That makes him Governor, not Lieutenant Governor. He has been an ambassador of good will and has done quite a bit of traveling around the state. When the state needed a representative in any part of the world, he was there. He has been on trade missions. I have all this written out and, if you really want to get it all one more time, John, I'll leave you a copy. Otherwise, I would now like to present one of my favorite people with a plaque as he retires from this very important office of Lieutenant Governor."

Speaker Hodde presented to Lieutenant Governor John A. Cherberg an engraved plaque, recognizing his thirty-two years of dedicated service to the people of the state of Washington as Lieutenant Governor.

#### REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Thank you very much, ladies and gentlemen, and thank you, Charlie. Remember me is all I ask. If remembrance be a task, forget me. Thank you very much."

Speaker King: "Governor Cherberg, before I relinquish the presiding role to you, so that you may complete your part of these proceedings, I wish to acknowledge the significance of this act. It falls to me to be the Speaker who hands you the gavel for this purpose for the last time. You have been coming to this rostrum to preside over the Joint Sessions of the Legislature since before several of our newer members were born. Your gracious presence on these occasions has always been welcomed by us all. I consider it a great honor to have stood by your side for a short part of your long career."

The Speaker presented the gavel to President Cherberg.

#### FURTHER REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Thank you, Mr. Speaker. The purpose of this Joint Session is to administer the Oath of Office to the constitutionally elected state officials of the state of Washington and to receive the Inaugural Address of Governor Booth Gardner."

#### THE OATH OF OFFICE TO ELECTED OFFICIALS

Justice Barbara Durham administered the oath of office to Insurance Commissioner Richard Marquardt, and the President of the Senate presented him the Certificate of Office.

Justice Charles Z. Smith administered the oath of office to Commissioner of Public Lands Brian Boyle, and the President of the Senate presented him the Certificate of Office.

Justice James A. Andersen administered the oath of office to Superintendent of Public Instruction Judith A. Billings, and the President of the Senate presented her the Certificate of Office.

Justice Vernon R. Pearson administered the oath of office to Attorney General Kenneth Eikenberry, and the President of the Senate presented him the Certificate of Office.

Justice James M. Dolliver administered the oath of office to State Auditor Robert V. Graham, and the President of the Senate presented him the Certificate of Office.

Justice Robert F. Brachtenbach administered the oath of office to State Treasurer Daniel K. Grimm, and the President of the Senate presented him the Certificate of Office.

Justice Robert F. Utter administered the oath of office to Secretary of State Ralph Munro, and the President of the Senate presented him the Certificate of Office.

Acting Chief Justice Fred Dore administered the oath of office to Lieutenant Governor Joel Pritchard.

#### REMARKS BY FORMER PRESIDENT JOHN A. CHERBERG

President Cherberg: "Lieutenant Governor Pritchard, I have the privilege now of presenting you with your Certificate of Election and, lastly, I turn the gavel over to you. I trust you will use it with discretion, and that you will enjoy, as I have, the days that you are going to serve in the State Senate. I wish you the best of luck, and God bless you."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Governor and Mrs. Gardner, and Lieutenant Governor Cherberg, who will always be Lieutenant Governor Cherberg. It is a high honor and a great privilege to be elected to any office, but it is especially meaningful to come back to our state and be elected to the Lieutenant Governor's office and have an opportunity to serve, especially in an office that only comes around every thirty-two years.

"I have known the Lieutenant Governor for many years--I believe it is forty years. I was fourteen when I first met him. He is a great friend. At that time, though, your football coach is not your friend, but you have great respect for him and you do everything you can to please him and do what he tells you. John Cherberg was a wonderful football coach and a great friend and administrator. The great thing was that he was an example to the young men who played under him.

"I am terribly pleased that Slade Gorton and Rod Chandler have come here. They have played important parts in my life. When I first came here thirty years ago, by luck Dan Evans, Slade and I ended up living in a little house about six blocks from the Capitol. I became acquainted with them and life has not been the same since. I can say this for Rod Chandler. I was going to Greece and to the Middle East on a trip and a friend of mine said, 'Why don't you take some movies? If they are any good, I'll put them on television as a travel show.' I thought that was wonderful, but didn't know how to take pictures--I'd never taken a camera. He said that he knew somebody who could teach me in one day. So I spent a full day with Rod Chandler and he taught me what to do. The biggest thing he said was to take about ten times as much film as you think you'll need. I did it, and when we got back, ten percent of it was usable and we were able to put eighteen minutes together. That was quite an important part of my life, as many years later people said they had seen me on the travel show. So I thank you, Rod, for getting me through that.

"You know, if you are going to have a good life, you have to have something to get up for. You have to have some challenges; you have to have something that puts zest in your system. Challenge is part of it. It is really a blessing to be challenged. Those of us in the government are richly blessed right now, because we have enormous challenges. I am going to work with the Governor, with all the state officials, elected representatives, particularly the Senators on both sides of the aisle. We have a lot of chores to do, and I am going to do everything I can to be helpful. When you think of what the settlers did one hundred years ago and the problems

they had, we ought to be ashamed of ourselves if we can't solve our problems today. These opportunities, these challenges are before us, and I look forward to working with all of you in the coming years.

"Let me say to John Cherberg, you set an example of fairness, of honesty and accessibility. You set a high standard. I only hope I can live up to that. Thank you very much and thank you, Lieutenant Governor Cherberg."

#### THE OATH OF OFFICE OF THE GOVERNOR

Chief Justice Callow administered the oath of office to Governor Booth Gardner, and the President of the Senate presented him the Certificate of Office.

The President of the Senate introduced Governor Booth Gardner.

#### INAUGURAL ADDRESS

##### THE CENTENNIAL CHALLENGE

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials, representatives of foreign countries, and fellow citizens of the state of Washington. Over one hundred years ago, our ancestors stood at an historic crossroads. They had crossed thousands of miles of desert, mountains, rivers and wilderness to build a better life. They came as neighbors to our native friends, who had already built rich cultures and traditions from Washington's earliest days. People came to this state to build a brighter future for themselves and their families.

"Today, in 1989, we in Washington State stand at another crossroads in our history, one in which we are forced by the tide of global events to decide what kind of future we want for our state. As we begin our second century, this state finds itself at the center of a new integrated global economy. This state is the nation's leader in per capita trade income, a precursor to exactly what the United States must become in the next twenty years. This new era of the interdependent global economy means excruciating, unprecedented international competition; it means declining influence and funding from the federal government; and it means an imperative that we do more for ourselves, for our children, and for our future. The global economy means that we no longer compete state against state, American company against American company. It means that we not only compete against Japan, but also with the growing economic powers of Taiwan, South Korea, the Philippines, with India, with Brazil, and with the soon-to-be-united countries of the European economic community. Those countries, which I have just mentioned, have begun to reform their economies and their societies for the new era.

"What are we waiting for? It is time that we do the same. Either we respond to international competition, or we doom ourselves, and we doom our children, to a dramatic slide to second-rate status in the world. How we respond to that competition is perhaps the greatest challenge this state and this country have ever faced. We must look at ourselves and our economy in new ways. The competitive edge will go to those who pioneer customized precision products made by highly skilled workers. To do this, companies must add value to their products and export them. Adding value to goods and services and exporting them to markets throughout the world, is our best strategy for economic health and vibrancy in the 21st century. Adding value to our products means exporting furniture or flooring systems, not just plywood, lumber and logs. Adding value means exporting processed products, not just raw materials. State government has a critical leadership role in helping to build local economic development capacity throughout our state.

"What matters most in the long run are the actions of local entrepreneurs, local officials, local educators, local bankers and local workers. The partnership is working when Boeing expands to Spokane, when Lamb Weston moves into the Tri-Cities, when Ponderay Newsprint moves into northeast Washington, when Key Technology moves into Walla Walla, the partnership is working. When the employees of Omak Wood Products take over their own company and their own future in Omak, Washington, the partnership is working.

"In February of 1985, this state began developing a long-range strategy to ensure our economic survival. Today, after four years, with input from citizens all across this state, we have in our hands a report that outlines an ambitious strategy

to preserve and enhance this state's quality of life. The Economic Development Board Report is not for the narrow-minded, nor is it for the short-sighted. To implement this plan demands the best that is in each of us. And I believe we have what it takes.

"Today, unemployment in this state is at its lowest level in twenty years. Today, Washington's economy is outperforming the nation. But, make no mistake, we start now, adjusting to the challenges of the future in this our centennial year, or risk all that we have worked for.

"For the first time since the industrial revolution began, a good business climate is also a good living climate--high quality public infrastructure--excellent, efficient public services--world class education and training--and a clean, healthy environment. A recent Business Week article on human capital said, 'The social agenda is now the business agenda.' What does that mean? Let me give you an example. The computer has become the pencil of the 21st century, the basic tool that must be mastered by all who expect a good job--not just a job--a good job. In addition, the workforce is shrinking, so business will need every available worker, and the workers will need more education and better skills. Think of this, the things that we have always wanted for our people and our society are now the very things that business needs from the workforce. So, in addition to our moral commitment, we have an economic imperative to help our people become well-educated, productive citizens.

"Let me ask you this. Do we want a society with a growing number of illiterate adults? Do we want a society with a staggering high school dropout rate--fifty percent in some urban schools? Do we want a society where twenty percent of our children live and grow up in poverty, subjected to the environment of lost potential and broken dreams? I don't think there is a person in this room today that wants that. Now, I implore you to understand, it is not just some abstract--'they'--I am talking about. It's our children--yours and mine--who are not being educated for the 21st century. It's your children and our children and our neighborhoods, which are exposed to drugs and gangs. It's our roads and our bridges that need to be repaired and rebuilt. And it will be our children who will be the first generation in America's two-hundred year history that will not achieve, much less exceed, our standard of living, if we are not willing to commit to a public agenda of excellence for the common good.

"Where do we start? To begin our twenty-year strategy, I am recommending to this Legislature that they take the following specific steps: Establish the Washington Development Finance Authority to improve the availability of capital for new and small businesses in the state; launch new efforts to train and retrain more than nine thousand Washington workers who would otherwise go unserved; continue efforts to diversify the Tri-Cities economy through development projects, worker retraining and services for displaced workers; continue efforts to make Washington State a major international tourist destination; and we must expand domestic agricultural marketing by working with private industry to increase the national visibility of Washington-grown and Washington-processed food products.

"I am also recommending that the 1989 Legislature take action in several educational areas crucial to the development of our economy and our children. I will list just three of those now. I am proposing that we double the size of the early childhood education program. We must give children--at-risk a fighting chance for success. I am also proposing that we double the size of our innovative Schools for the 21st Century program. It is a program of experimentation and discovery. It is testing fresh ideas on how to develop students' talents and skills. I am proposing that we take the next step toward competitive faculty salaries and better access to higher education.

"For a strong economy and a healthy society, we must protect our environment. The recent oil spill has presented a grave threat to wildlife and has fouled our ocean beaches. The oil spill vividly and dramatically demonstrates the danger of opening our coastline to oil and gas drilling. We will never accept contamination of our precious coastal waters. We must continue working to protect the Spokane aquifer and Puget Sound. And I am proposing new legislation providing comprehensive protection and enhancement of our state's priceless wetlands.

"Transportation is another very important issue that bears on economic development, as well as quality of life. I have outlined proposals to begin improving our rail and road transportation systems. We and this state are not a market economy; we are a production, service and distribution center. A high-quality, efficient transportation system is essential to our economic strength.

"The health of our citizens, particularly our children, is an issue that goes right to the heart of quality of life. To ensure access, to help control costs, and to guarantee quality health care, I have proposed that we create a new Department of Health. I also propose the First Steps Program, which carefully targets medical care. The program focuses on maternity care for low-income women and health care for children up to eight years of age who come from low-income families. These are among the most basic needs of our most vulnerable citizens and we are not going to turn our backs on them.

"Finally, there is a strong connection between economic development and tax reform. Our current tax structure, which has remained basically unchanged since 1935, is unbalanced, unfair and inhibits business investment. Washington citizens will lose more than one hundred and twenty million dollars this year, alone, because the sales tax is not deductible from their federal income taxes. We, in this state, currently have a rate-adjusted system, which means simply that when the system does not respond to change, we raise rates. We have raised the B&O tax and the sales tax eight times in the last twenty years.

"What we need is an economically adjusted tax system, one that will keep up with a rapidly changing and growing economy. To pursue a long-term strategy, we must have a financial plan for Washington's second century, one that responds to our changing economy and safeguards taxpayers through spending controls.

"I am proposing that the 1989 Legislature join in bipartisan approval of a tax reform referendum to allow the people of Washington State to vote on this critical issue. We will have before this Legislature a plan that takes more than seventy-five thousand businesses off the B&O tax rolls. It will establish a rainy-day fund to meet economic downturns, and put into the Constitution a specific limitation on the ability to raise tax rates. It will provide tax relief for families earning less than thirty thousand dollars a year. It will provide a way to meet our transportation needs, and for local governments to meet their critical needs. And it will give us the capacity, over the long term, to meet many of the needs that go begging today, without continually raising taxes.

"A group of citizens gathered in Walla Walla, Washington, for a constitutional convention in which they wrote a Constitution. That Constitution was approved by the people of the state of Washington in 1878. Because of partisan bickering in Washington, D.C., we were not granted statehood at the time we were ready. For twelve years, in this country, no territory was granted statehood. Finally, in 1889, by one vote, many of us joined the Union, which is why so many states are celebrating their centennials this year and next. I wish that I could say to you that statesmanship won out over partisanship, but such was not the case. We, in Washington in 1989, in our centennial year, can rise above partisanship and we can avoid mistakes of the past if we summon the guts, the will, the strength and the wisdom to do so.

"A few of you before me today have already outrightly rejected my tax reform referendum proposal. To those few of you--what are you afraid of? If you are right, if the people don't want tax reform, they will say so at the polls, at the local point for freedom in a democratic society. If you are wrong, if the people of this state are ready to start a new century with a new system, then your opposition has been a barrier to progress. I want to end this paralysis. I want us to get out of the box of indecision and fear.

"To the members of the Legislature, I have this to say, now is the time to hear the peoples' voice on tax reform. Do not stonewall this issue. Let the people of the state of Washington decide.

"And now, as I close, I share a personal philosophy with you. We in this state, as people in every state, are in a fight for our survival. Some states will prosper, and some states will not. I suggest that from this time forward, we begin to think of ourselves as a 'nation-state,' responsible for our own economic well-being and that we begin marshalling the tools, the capacity and the resources to



internationalize our workforce, our businesses and our institutions. I believe that we must start thinking of ourselves as world citizens, competing internationally, with the best years of our lives ahead of us and with the best one hundred years of this state just beginning.

"The state of Washington has a combination of advantages unlike any place else on earth--our resources, our people, our industries and our position at the gateway to the Pacific Rim. And, most precious of all, we have our children, who hold the future in their eyes, and in their minds, and in their hearts.

"We stand on the threshold of a new century of statehood. We have an opportunity to do something extraordinary--to stand as a lighthouse on the edge of the great Pacific and to show other states, and indeed to show the world, the true meaning of enlightened and far-reaching leadership--to create for ourselves the highest quality of life imaginable.

"The challenge is clear. The choice is ours. The best public policy is based on the understanding that everything we do, we do for our children. I agree with the prophetic wisdom of Thomas Jefferson, who said, I like the dreams of the future better than the history of the past." Ladies and gentlemen, to all of you listening today, the future is not predetermined. The future will become what we make it. Thank you very much."

The President of the Senate instructed the special committee to escort Governor and Mrs. Gardner to the State Reception Room.

The President of the Senate instructed the special committee to escort Dr. Frank B. Brouillet and Mr. Robert S. O'Brien to the State Reception Room.

The President of the Senate instructed the special committee to escort the Congressional Delegation to the State Reception Room.

The President of the Senate instructed the special committee to escort the State Elected Officials to the State Reception Room.

The President instructed the special committee to escort the Supreme Court Justices to the State Reception Room.

#### MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort Lieutenant Governor John A. Cherberg, President of the Senate, Lieutenant Governor Joel Pritchard, Majority Leader Jeannette Hayner, Democratic Leader Larry Vognild and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 1:59 p.m. by President Pritchard.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 11, 1989

GA 9077 DR. SHERI TONN, appointed July 11, 1988, for a term ending July 5, 1989, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules.

January 11, 1989

GA 9084 TERRY WILLIAMS, appointed July 12, 1988, for a term ending July 5, 1992, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules.

January 11, 1989

GA 9086 HAROLD (HAL) S. ZIMMERMAN, appointed June 9, 1988, for a term ending June 30, 1994, as a member of the Pollution Control Hearings Board.

Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATUTE LAW COMMITTEE  
Legislative Building  
Olympia, Washington 98504

January 9, 1989

To the 1989 Regular Session of the Fifty-First Legislature  
of the State of Washington

In accordance with RCW 28B.19.050(3) and RCW 34.04.040(3), the biennial report of the Code Reviser relating to the filing of rules under the Administrative Procedure Act (chapter 34.04 RCW) and the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) is submitted to the Legislature. This report covers the period from January 1, 1987, through December 31, 1988.

Respectfully,  
DENNIS W. COOPER  
Code Reviser

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

REPORT OF SELECT COMMITTEE

WASHINGTON STATE SENATE  
Olympia, Washington 98504

TO: Members of the Senate  
FROM: Senator James West, Chair; Health Care and Corrections Committee  
DATE: January 9, 1989  
SUBJECT: Final Report on Residential Care for the Mentally Ill

Enclosed is the final report on Residential Care for the Mentally Ill. The report is the result of extensive staff research, committee hearings in Seattle, Yakima, Everett, Tacoma and Olympia, and a special consultation we received from the National Conference of State Legislatures.

It is submitted to you in response to Senate Floor Resolution 1988-8771.

The report recommends a major reform of the current mental health system which would decentralize administration, link state hospital and community programs and greatly expand community residences for the mentally ill.

The effects of the Harper decision and the federal Omnibus Budget Reconciliation Act are also addressed in the report and its recommendations.

I anticipate several legislative proposals to deal with these issues in the 1989 legislative session.

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

REPORT OF SELECT COMMITTEE

## JOINT SELECT COMMITTEE ON SCHOOL CONSTRUCTION

## COMMON SCHOOL CONSTRUCTION

EXECUTIVE SUMMARY

The committee, established by House Concurrent Resolution 4460 in 1988, includes four members of the Senate, four members of the House of Representatives, and four executive members appointed by the Governor. The concurrent resolution also established a ten-member advisory committee, including five members representing the business community and five members representing the school community. The committee is responsible for reviewing the school construction program, developing options to resolve current and projected funding shortfalls, and making recommendations to the 1989 Legislature.

The committee met at least monthly throughout the interim. Numerous briefings were conducted and input was received from committee staff, the Office of Financial Management, the Office of the Superintendent of Public Instruction, the Department of Natural Resources, and the Department of Revenue. The existing \$301 million backlog of approved construction projects led the committee to focus its recommendations primarily on resolving short-term needs. However, the combination of forecasted enrollment growth, the age of existing school facilities, and the long-range forecast of school trust revenues also led the committee to emphasize a need for further development of long-term solutions to funding shortfalls.

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 22, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Blair, appointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 22, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge James Gavin, reappointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 22, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret Laidlaw, appointed December 22, 1988, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

## INTRODUCTION AND FIRST READING

SB 5036 by Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz, Gaspard, Bauer, Smith, Lee and Nelson (by request of Attorney General)

AN ACT Relating to victims of crime, survivors, witnesses, and restitution; amending RCW 7.69.020, 7.69.030, 7.68.120, 7.69A.030, 9.94A.142, 10.77.150, 10.77.163, 10.77.165, 10.77.200, 13.40.205, 13.40.210, 9.94A.155, and 9.94A.156; and adding new sections to chapter 7.69 RCW.

Referred to Committee on Law and Justice.

SB 5037 by Senators von Reichbauer, Moore, Johnson, Stratton, Smitherman and West

AN ACT Relating to directors of domestic insurers; and amending RCW 48.07.050.

Referred to Committee on Financial Institutions and Insurance.

SB 5038 by Senator Conner

AN ACT Relating to vehicle inspection; and amending RCW 46.32.010, 46.32.020, and 46.32.040.

Referred to Committee on Transportation.

SB 5039 by Senators Hayner, Niemi, Thorsness and Nelson (by request of Department of Corrections)

AN ACT Relating to method of execution; and amending RCW 10.95.180.

HELD.

SB 5040 by Senators Pullen, Talmadge, Niemi, Nelson, Thorsness, McCaslin, Madsen, Lee and Rasmussen (by request of Department of Corrections)

AN ACT Relating to controlled substances within correctional facilities; and amending RCW 9.94A.310 and 9.94A.370.

Referred to Committee on Law and Justice.

SB 5041 by Senators Hayner, Madsen, McCaslin, Thorsness, Smith, Rasmussen, von Reichbauer and Amondson (by request of Department of Corrections)

AN ACT Relating to electronic monitoring of inmate telephone calls within state correctional facilities; and adding a new section to chapter 9.73 RCW.

Referred to Committee on Health Care and Corrections.

SB 5042 by Senators West, Smitherman, Warnke, Smith and Lee

AN ACT Relating to unilateral implementation in public sector collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Economic Development and Labor.

SB 5043 by Senators Madsen, Benitz, Barr, Conner, Metcalf, Rasmussen, Sutherland, Hansen, Smith, DeJarnatt, Nelson, von Reichbauer, Cantu and Warnke

AN ACT Relating to increasing criminal penalties for illegal possession or use of machine guns; amending RCW 9.41.200 and 9.41.210; repealing RCW 9.41.190; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5044 by Senators Sutherland, Owen, Metcalf, Bauer, Benitz and Patterson (by request of Department of Fisheries)

AN ACT Relating to recreational fishing licenses; amending RCW 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, 75.25.160, and 75.25.170; adding new sections to chapter 75.25 RCW; repealing RCW 75.25.020 and 75.25.125; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

**SB 5045** by Senators Pullen and Niemi (by request of Statute Law Committee)

AN ACT Relating to correction of statutes affected by vetoes by the governor; amending RCW 9A.56.220, 15.85.050, 19.120.010, 28A.04.178, 28A.58.098, 35.50.050, 35.97-.020, 35A.40.210, 38.38.012, 41.04.525, 41.59.020, 42.22.040, 43.20A.360, 43.41.170, 43.81.030, 43.83B.220, 43.88.030, 44.42.040, 46.94.020, 46.94.040, 48.19.500, 48.19.501, 49.70.100, 53.31-.040, 63.14.167, 70.22.050, 74.04.660, 74.21.030, 77.21.070, 77.21.080, 80.28.240, and 90.70.060; reenacting and amending RCW 42.17.310; and repealing RCW 43.230.050.

Referred to Committee on Law and Justice.

**SB 5046** by Senators Pullen, Niemi, Talmadge, Lee, Sutherland and von Reichbauer (by request of Statute Law Committee)

AN ACT Relating to eliminating gender-specific language; and amending RCW 7.68.010, 7.68.070, 19.29.010, 28B.20.450, 28B.20.454, 39.12.010, 39.12.020, 39.12.021, 39.12.030, 39.12.060, 39.12.042, 39.28.020, 41.26.270, 43.22.210, 49.24.270, 49.52.030, 51.36.060, 59.18.150, 70.89.050, 78.40.181, 78.40.262, 78.40.345, 78.40.405, 78.40.672, 78.40.693, 78.40.741, 78.40.783, and 78.40.786.

Referred to Committee on Law and Justice.

**SB 5047** by Senators Pullen and Talmadge

AN ACT Relating to corrections pertaining to the reasonable use of force to discipline a child by parents and guardians; and amending RCW 9A.16.020.

Referred to Committee on Law and Justice.

**SB 5048** by Senators Lee, Wojahn, McCaslin, Saling, Rasmussen, Talmadge, Sutherland, von Reichbauer and Nelson (by request of Legislative Budget Committee)

AN ACT Relating to prevention of child abuse and neglect; and amending RCW 36.18.010, 43.131.319, and 43.131.320.

Referred to Committee on Children and Family Services.

**SB 5049** by Senators Saling, Wojahn, McCaslin, Rasmussen, Barr and Lee (by request of Legislative Budget Committee)

AN ACT Relating to information contained in the governor's budget document; and amending RCW 43.88.030.

Referred to Committee on Ways and Means.

**SB 5050** by Senators Lee, Rasmussen, Barr, Wojahn and Saling (by request of Legislative Budget Committee)

AN ACT Relating to state budget requests; amending RCW 43.88.030; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

**SB 5051** by Senators Lee, Barr, Saling and Rasmussen (by request of Legislative Budget Committee)

AN ACT Relating to state general obligation bonds; amending RCW 43.83A.020, 43.83A.070, 43.99E.015, 43.99E.035, 43.99F.020, 43.99F.060, 75.48.020, and 75.48.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5052** by Senators Lee, McCaslin, Barr, Saling, Rasmussen and Wojahn (by request of Legislative Budget Committee)

AN ACT Relating to approval of legislative budget committee vouchers; and amending RCW 44.28.050.

Referred to Committee on Governmental Operations.

**SB 5053** by Senators Rasmussen and Barr

AN ACT Relating to real property; amending RCW 4.16.020, 7.28.010, 7.28.050, 7.28-.070, and 7.28.080; and creating a new section.

Referred to Committee on Law and Justice.

**SB 5054** by Senators Rinehart, Bailey and Niemi

AN ACT Relating to teacher recruitment; and adding new sections to chapter 28A.67 RCW.

Referred to Committee on Education.

SB 5055 by Senators Rinehart and Bailey

AN ACT Relating to health education plans; adding new sections to chapter 28A.58 RCW; and creating a new section.

Referred to Committee on Education.

SB 5056 by Senators Rinehart, West, Kreidler, Johnson and Smitherman

AN ACT Relating to long-term care; amending RCW 74.08.530, 74.08.541, 74.08.545, 74.08.550, 11.94.050, 74.09.510, 74.09.700, 74.41.040, and 74.41.050; adding new sections to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 5057 by Senators Rinehart, Bauer, Saling, Bailey, Patterson, Smitherman, Cantu, Stratton, Owen, Metcalf, Murray, Pullen, Conner, Sellar, Thorsness, Kreidler, West, Rasmussen, Wojahn, Gaspard, Smith, Sutherland and Vognild

AN ACT Relating to the higher education trust; adding a new section to chapter 21.20 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5058 by Senators Pullen and Talmadge

AN ACT Relating to law enforcement; amending RCW 43.101.200; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law and Justice.

SB 5059 by Senators Smith, Rasmussen, Metcalf, Benitz, Amondson, Anderson, Thorsness and Sutherland

AN ACT Relating to steelhead punchcards; amending RCW 77.32.360; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 5060 by Senators Smith, Rasmussen, Amondson, Thorsness and Sutherland

AN ACT Relating to steelhead punchcards; and amending RCW 77.32.360 and 77.32.230.

Referred to Committee on Environment and Natural Resources.

SB 5061 by Senators Smith, DeJarnatt, Metcalf, Benitz and Rasmussen

AN ACT Relating to food fish; and amending RCW 75.25.090.

Referred to Committee on Environment and Natural Resources.

SB 5062 by Senator Smith

AN ACT Relating to sturgeon aquaculture; and adding a new chapter to Title 75 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5063 by Senators Smith, Rasmussen and Metcalf

AN ACT Relating to personal-use fishing licenses; and repealing RCW 75.25.090.

Referred to Committee on Environment and Natural Resources.

SB 5064 by Senators Smith, Rasmussen, Metcalf and Benitz

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

Referred to Committee on Environment and Natural Resources.

SB 5065 by Senators Craswell, Smith, Stratton and Bailey

AN ACT Relating to children; amending RCW 13.34.145 and 26.44.115; reenacting and amending RCW 2.56.030 and 13.34.130; adding a new chapter to Title 13 RCW; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5066 by Senators Pullen and Rasmussen

AN ACT Relating to defense of person or property; amending RCW 9.01.200; and recodifying RCW 9.01.200.

Referred to Committee on Law and Justice.

SB 5067 by Senators Pullen and Talmadge

AN ACT Relating to assault of a transit operator or driver and rider safety; amending RCW 9A.36.031; reenacting and amending RCW 9A.36.021; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5068 by Senators Patterson, DeJarnatt and Matson

AN ACT Relating to removal of property from industrial development districts; and amending RCW 53.25.040.

Referred to Committee on Economic Development and Labor.

SB 5069 by Senators Smith, Stratton, Craswell and Amondson

AN ACT Relating to parental and judicial consent for abortions; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5070 by Senators Cantu and Smith

AN ACT Relating to motor vehicle records; and amending RCW 46.12.380.

Referred to Committee on Transportation.

SB 5071 by Senators Smith, Craswell and Stratton

AN ACT Relating to surrogate parenting; adding new sections to chapter 26.26 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5072 by Senators Pullen, Rasmussen, Newhouse, Hansen, Niemi, Talmadge, Conner, Smith, McCaslin, Nelson, Rinehart, West, Hayner, Kreidler, Madsen, Thorsness, Gaspard, Lee, Sutherland and von Reichbauer

AN ACT Relating to the creation of law enforcement medal of honor; and adding a new chapter to Title 41 RCW.

Referred to Committee on Law and Justice.

SB 5073 by Senators Pullen and Talmadge

AN ACT Relating to crimes motivated by bigotry and bias; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Law and Justice.

SB 5074 by Senator Smith

AN ACT Relating to retirement credit for military service; and amending RCW 41.40.170.

Referred to Committee on Ways and Means.

SB 5075 by Senator Smith

AN ACT Relating to water pollution; and amending RCW 90.48.090 and 90.48.095.

Referred to Committee on Environment and Natural Resources.

SB 5076 by Senators Craswell, Rasmussen and Owen

AN ACT Relating to corporal punishment in licensed child care facilities; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children and Family Services.

SB 5077 by Senators Craswell, West, Rasmussen and Owen

AN ACT Relating to standards of care for institutions; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Health Care and Corrections.

SB 5078 by Senators Newhouse, Gaspard, Johnson, Bauer, Sellar, DeJarnatt, Hansen, Madsen, Benitz, McCaslin, Vognild, Warnke, Craswell, Nelson, Lee, Saling, Conner, West, Smith, McMullen, Kreidler, Cantu, Stratton, Bailey, Moore and Smitherman

AN ACT Relating to the business and occupation taxation of insurance agents, brokers, and solicitors; and amending RCW 82.04.260.

Referred to Committee on Financial Institutions and Insurance.

SB 5079 by Senators Pullen and Talmadge

AN ACT Relating to the uniform commercial code; and amending RCW 62A.3-106 and 62A.3-109.

Referred to Committee on Law and Justice.

SB 5080 by Senator West

AN ACT Relating to parimutuel wagering at satellite locations; and amending RCW 67.16.200.

Referred to Committee on Economic Development and Labor.

SB 5081 by Senator West

AN ACT Relating to parimutuel satellite wagering; amending RCW 67.16.105 and 67.16.170; reenacting and amending RCW 67.16.175; and repealing RCW 67.16.200, 67.16.210, 67.16.220, 67.16.230, and 67.16.240.

Referred to Committee on Economic Development and Labor.

SJR 8200 by Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz and Nelson (by request of Attorney General)

Amending the state Constitution to provide for rights of crime victims.

Referred to Committee on Law and Justice.

SJR 8201 by Senators Anderson, Vognild, Cantu, Conner and Johnson

Amending the Constitution to allow leases of up to fifty-five years for wharves, docks, and other structures within harbors.

Referred to Committee on Environment and Natural Resources.

SCR 8400 by Senators Barr, Hansen, Lee, Gaspard and Benitz

Creating a joint select committee on agricultural products clear title.

Referred to Committee on Agriculture.

#### MOTION

At 2:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 13, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 13, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Moore, Pullen, Rinehart and Smith. On motion of Senator Bender, Senators Fleming, Moore and Rinehart were excused. On motion of Senator Anderson, Senator Smith was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kara Hughes and Kristi Scholz, presented the Colors. Reverend Richard Smith, pastor of the First United Methodist Church of Olympia, offered the prayer.

#### MOTION

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

#### INTRODUCTION OF SPECIAL GUESTS

The President announced the presence in the Senate Chamber of the 1988-1989 Hubert H. Humphrey Fellows and asked the Sergeant at Arms to escort the honored guests to the Senate Rostrum.

The President introduced Dr. Victor Fodeke, Federal Ministry of Works and Housing from Nigeria; Dr. Harelimana Francois, Ministry of the Interior from Rwanda; Ms. Susan Ingutia, Ministry of Culture and Social Services from Kenya; Mr. Shaukat Javed, Senior Superintendent of Police from Pakistan; Mr. John C. Nylander, Ministry of Lands, Mines and Energy from Liberia; Mr. Godfrey Tibajuka, Ministry of Finance and Economic Affairs and Planning from Tanzania; and Ms. Laura Kennedy, Director of Internships and Placement from the University of Washington.

After a warm welcome from the Senate, the honored guests were escorted from the Senate Chamber.

#### MOTION

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

The Senate was called to order at 11:21 p.m. by President Pritchard.

#### REPORTS OF STANDING COMMITTEES

January 12, 1989

SB 5002 Prime Sponsor, Senator Lee: Establishing the international policy advisory council. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Referred to Committee on Ways and Means.

January 12, 1989

SB 5008 Prime Sponsor, Senator McMullen: Establishing the office of capital projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Smitherman, West.

Referred to Committee on Ways and Means.

January 12, 1989

SB 5014 Prime Sponsor, Senator Pullen: Amending provisions regarding police dogs. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 10, 1989

SB 5030 Prime Sponsor, Senator Pullen: Clarifying language relating to writs of certiorari. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 10, 1989

SB 5031 Prime Sponsor, Senator Pullen: Correcting or amending internal references in the revised code of Washington. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 10, 1989

SB 5032 Prime Sponsor, Senator Pullen: Repealing obsolete sections in the revised code of Washington. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 10, 1989

SB 5033 Prime Sponsor, Senator Pullen: Making technical corrections in the revised code of Washington. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 10, 1989

SB 5034 Prime Sponsor, Senator Pullen: Reconciling double amendments or repeals in the revised code of Washington. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 12, 1989

SB 5037 Prime Sponsor, Senator von Reichbauer: Changing the composition of the board of directors of incorporated domestic insurers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 12, 1989

SB 5045 Prime Sponsor, Senator Pullen: Correcting statutes affected by vetoes by the governor. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 12, 1989

SB 5046 Prime Sponsor, Senator Pullen: Eliminating certain gender-specific language. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 12, 1989

SB 5047 Prime Sponsor, Senator Pullen: Making technical corrections/use of force. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Nelson, Newhouse, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 12, 1989

SB 5072 Prime Sponsor, Senator Pullen: Establishing a law enforcement medal of honor. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504

January 6, 1989

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

Dear Mr. Golob:

Enclosed is the report pertaining to the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) required by Chapter 163, Laws of 1988. If you have any questions about the report, please contact me.

Sincerely,  
JULE M. SUGARMAN  
Secretary

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

MESSAGE FROM GOVERNOR GARDNER  
COMMUTATION OF SENTENCE

Office of the Governor

January 9, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section II of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1988 First Special Session of the Fiftieth Legislature, copy of which is attached.

Respectfully submitted,  
TERRY SEBRING, Legal Counsel to the Governor

PARDON

To all to whom These Presents Shall Come, Greetings:

Rue Carlson Smith, Jr. pleaded guilty to the offense of robbery committed on January 30, 1947, in the Superior Court of King County, Washington, Cause No. 24056. He was originally sentenced on April 11, 1947, to prison. The Prison Terms and Parole Board set his minimum term at twenty-four months, he was paroled on August 10, 1948, and discharged from supervision on September 7, 1949.

After his release from prison, Mr. Smith completed and was granted his college degree from the University of Washington in 1951, subsequently worked for the Washington Department of Public Assistance, and then worked thirty years in the field of corrections, twenty-six and one-half years of those with the Orange County Probation Department, in California, where he retired as a Deputy Probation Officer and Supervising Probation Officer on October 7, 1987, following triple by-pass heart surgery. He has had no additional criminal history since his original conviction.

The basis for Mr. Smith's request for a pardon is so that he can be rehired by the Orange County Probation Department as a part-time extra help person. In applying for part-time employment with the same department, California statutes required that he be treated as a new employee, hence he was blocked from reemployment due to a 1981 amendment of a California statute that prohibits employment in probation with a felony conviction. His prior employment had been considered "grandfathered" but that status ended with his retirement and caused his part-time employment to be viewed as a violation of the amendment.

The basis for the pardon is due to a passage of a substantial amount of time since the original conviction, many years of productive work and no further criminal activity, and justifiable reasons for wanting a pardon so that he is able to work in a part-time status with his previous employer.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Rue Carlson Smith, Jr. from the judgment and sentence of robbery, Cause No. 24056, entered on April 11, 1947, by the Superior Court of the state of Washington for King County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 16th day of November, A.D. nineteen hundred and eighty-eight.

Booth Gardner  
Governor of Washington

(Seal)

By the Governor:

Ralph Munro, Secretary of State.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 9, 1989

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

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

William T. Trulove, reappointed January 9, 1989, for a term ending January 15, 1992, as a member of the Pacific Northwest Power and Conservation Planning Council.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

MESSAGE FROM THE SECRETARY OF STATE

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

We respectfully transmit for your consideration Senate Bill No. 6447, Substitute Senate Bill No. 6438 and Senate Bill No. 6354 which have been vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to each of the bills as required by Article III, section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington at Olympia, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State

MOTION

On motion of Senator Newhouse, Senate Bill No. 6447, Substitute Senate Bill No. 6438 and Senate Bill No. 6354 were referred to the Committee on Rules.

MESSAGE FROM THE SECRETARY OF STATE

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

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

Section 80 of Senate Bill No. 6370, the remainder of which has been designated as Chapter 127, Laws of 1988.

Sections 57 and 85 of Senate Bill No. 5016, the remainder of which has been designated as Chapter 202, Laws of 1988.

Section 4 of Senate Bill No. 6480, the remainder of which has been designated as Chapter 265, Laws of 1988.

Section 4 of Substitute Senate Bill No. 6024, the remainder of which has been designated as Chapter 272, Laws of 1988.

Section 1 of Senate Bill No. 6397, the remainder of which has been designated as Chapter 273, Laws of 1988.

Section 1, the last paragraph of Substitute Senate Bill No. 6238, the remainder of which has been designated as Chapter 279, Laws of 1988.

Sections 9 and 10 of Second Substitute Senate Bill No. 6235, the remainder of which has been designated as Chapter 284, Laws of 1988.

Sections 1, 2(a) through (e) and (g) through (j) of Substitute Senate Bill No. 6316, the remainder of which has been designated as Chapter 282, Laws of 1988.

Section 406 of Substitute Senate Bill No. 6763, the remainder of which has been designated as Chapter 2, Laws of 1988, First Extraordinary Session.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington at Olympia, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State

#### MOTION

On motion of Senator Newhouse, Senate Bill No. 6370, Senate Bill No. 5016, Senate Bill No. 6480, Substitute Senate Bill No. 6024, Senate Bill No. 6397, Substitute Senate Bill No. 6238, Second Substitute Senate Bill No. 6235, Substitute Senate Bill No. 6316 and Substitute Senate Bill No. 6763 were referred to the Committee on Rules.

EDITOR'S NOTE: The Governor's veto and partial veto messages on the above bills will be found in the Index of the 1988 Senate Journal.

#### MESSAGE FROM THE SECRETARY OF STATE

January 9, 1989

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 102, originally filed with this office on June 24, 1988. On December 30, 1988, the sponsors of the proposed initiative filed 13,496 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 217,143 signatures.

Accordingly, pursuant to the provisions of Article II, Section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 102 to you at this time. We expect to complete verification of signatures no later than January 20, 1989, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington at Olympia, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State

INITIATIVE TO THE LEGISLATURE NUMBER 102

AN ACT Relating to children, youth, and family programs and education programs; adding a new chapter to Title 74 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; making an appropriation; and providing an effective date.

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

NEW SECTION. Sec. 1. DECLARATION OF PUBLIC POLICY. The purpose of this chapter, to be known as the children's initiative act, is to increase our state's commitment to addressing the needs of children for prevention, early detection, and treatment of abuse and neglect, for adequate nutrition and support, for access to necessary health care, for treatment of developmental disabilities, mental illness, and substance abuse, for affordable child care, for necessary social services, for a high quality education from early childhood through the twelfth grade, and for other services essential for their survival and well-being. It is the further purpose of this chapter to address these needs in an efficient and effective manner which minimizes administrative costs.

NEW SECTION. Sec. 2. CHILDREN'S INITIATIVE FUND. (1) There is created in the state treasury a fund to be known as the children's initiative fund.

(2) The children's initiative fund shall consist of the following two accounts:

(a) The children's services and support account; and

(b) The K-12 education account.

(3) Of the moneys deposited in the children's initiative fund, fifty percent shall be credited to the children's service and support account and fifty percent shall be credited to the K-12 education account.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the children's initiative fund may be spent only after appropriation by statute.

(5) All earnings from investment of balances in the children's initiative fund, except as provided in RCW 43.84.090, shall be deposited in the children's initiative fund.

NEW SECTION. Sec. 3. LIMITATION OF USES OF CHILDREN'S INITIATIVE FUND MONEYS. (1) Moneys in the children's services and support account of the children's initiative fund may be appropriated by the legislature only to the department of social and health services, the department of community development, and other state agencies that provide services and support for children and their families for the following programs and purposes:

(a) Prevention and early intervention services;

(b) Services for abused and neglected children;

(c) Maternal and child health services;

(d) Early childhood education;

(e) Child care;

(f) Family support services;

(g) Out-of-home placements;

(h) Children's mental health services;

(i) Developmental disabilities services;

(j) Prevention and treatment of substance abuse;

(k) Juvenile rehabilitation;

(l) The women, infant, and children nutrition program;

(m) Emergency services for homeless children;

(n) Increasing the availability of prenatal, delivery, and postnatal care for pregnant women and infants and the availability of health care for children;

(o) Increasing the payment standard for aid to families with dependent children; and

(p) Other programs that promote the health, protection, welfare, and education of children and their families, including the children's initiative fund oversight committee, except for programs eligible for funding under subsection (2) of this section.

(2) Moneys in the K-12 education account of the children's initiative fund may be appropriated by the legislature only to the superintendent of public instruction for the following common schools programs and purposes:

(a) Reducing class sizes, especially in elementary grades;

- (b) Basic skills learning assistance programs;
- (c) Programs for handicapped children;
- (d) Programs for at-risk children and children from economically disadvantaged and minority backgrounds;
- (e) In-service training for instructional staff; and
- (f) Other programs and purposes which promote high quality education for children in kindergarten through the twelfth grade, including the children's initiative fund oversight committee.

Funds appropriated from the K-12 education account shall not be considered levy reduction funds as defined in RCW 84.52.0531(7).

NEW SECTION. Sec. 4. LIMITATION ON USE OF CHILDREN'S SERVICE AND SUPPORT ACCOUNT FUNDS IN THE BIENNIUM ENDING JUNE 30, 1991. From the children's service and support account of the children's initiative fund, there is appropriated \$50,000,000, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the department of social and health services, not more than \$25,000,000 of which is to be used to increase the payment standard for aid to families with dependent children by eight percent over the level of such payment standard as of July 1, 1988, which increase shall be added to any other increases in the payment standard in the biennium ending June 30, 1991, and, to the extent of the remaining available funds from this appropriation, to increase the availability of prenatal, delivery, and postnatal care for pregnant women and infants up to one year of age, and the availability of health care for children up to eight years of age, by expanding eligibility for medical assistance for categorically needy pregnant women and infants up to one year of age, and for children up to eight years of age, to the highest income and age levels for which federal financial participation is available under Title XIX of the federal social security act.

NEW SECTION. Sec. 5. INTENT TO PROHIBIT SUPPLANTING OF CURRENT PROGRAM FUNDING. Moneys may be appropriated from the children's initiative fund only to provide support and services in addition to such support and services as would be provided if the support and service levels of the programs eligible for funds from the children's initiative fund for the biennium ending June 30, 1989, adjusted in future biennia to reflect the impact of population change and inflation in the state, were fully funded in the biennium ending June 30, 1991, and in subsequent biennia. Nothing in this chapter shall prohibit additional funding from other sources of the agencies, programs, and purposes eligible for funds under this chapter.

NEW SECTION. Sec. 6. CHILDREN'S INITIATIVE FUND OVERSIGHT COMMITTEE. (1) To assist the governor and the legislature in determining which programs and purposes should be supported with appropriations from the children's initiative fund and whether children's initiative fund moneys are being spent in an efficient and effective manner that minimizes administrative costs, an oversight committee, to be known as the children's initiative fund oversight committee, is established. The committee shall have the authority to analyze the current and emerging needs of children in the state and to review and evaluate the efficiency and effectiveness of programs supported by the children's initiative fund in meeting these needs.

(2) All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, which are requested by the committee, shall be furnished by the agency requested to provide such report.

(3) The committee shall annually report to the governor and the legislature. The committee's annual report shall include findings and recommendations on matters relating to the committee's purposes as defined in this section.

(4) The committee shall consist of fifteen members. Eleven of the members shall be appointed by the governor, six of whom shall be experienced authorities on the programs eligible for funding by the children's initiative fund and five of whom shall be representatives of the general public. One member of the committee shall be selected by the two largest political caucuses in each house of the state legislature. The chair of the committee shall be designated by the governor from among the representatives of the general public.



(5) The initial members shall be appointed within sixty days of the effective date of this section. Of the initial members, four nonlegislative members and one legislative member shall be appointed for three years, four nonlegislative members and two legislative members shall be appointed for two years, and three nonlegislative members and one legislative member shall be appointed for one year. A legislative member shall serve as long as he or she is a member of the caucus from which he or she was appointed. Successors to the initial members shall serve for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term. Vacancies shall be filled within sixty days of their occurrence.

(6) Nonlegislative members of the committee shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

**NEW SECTION. Sec. 7. INTENT ON SOURCE OF MONEYS FOR CHILDREN'S INITIATIVE FUND.** (1) It is the intent of this chapter that the raising of revenues for the purposes of this chapter, as well as the raising of revenues for all other purposes of state government, shall be done in a fashion which fairly and equitably distributes the burdens of taxation among the state's taxpayers, protects those with the lowest incomes, promotes business development and economic growth in the state, and assures a stable funding base for state services that is sufficient to meet the needs of state government, including the purposes of this chapter. No cause of action may lie to enforce this subsection.

(2) The source of moneys for the children's initiative fund shall be new or increased taxes, which means one or more of the following:

- (a) An increase in the rate of any tax which was in effect as of July 1, 1988;
- (b) An increase in the base of any tax which was in effect as of July 1, 1988; or
- (c) Any tax which was not in effect as of July 1, 1988.

Funding from sources other than the children's initiative fund for the activities of state government, including those eligible for support from the children's initiative fund, shall not be reduced in order to provide moneys for the children's initiative fund.

(3) The tax increases specified in sections 8 and 9 of this act are imposed only for the purpose of making this chapter legally enforceable in the event the legislature fails to impose new or increased taxes which meet the specifications of subsection (1) of this section in order to provide sufficient moneys for the purposes of this chapter. It is the intent of this chapter that if the tax increases specified in sections 8 and 9 of this act are imposed, such increases will be repealed as soon as possible and replaced with taxes that meet the specifications of subsection (1) of this section, and that provide support for the children's initiative fund comparable to that provided by the tax increases imposed in sections 8 and 9 of this act.

**NEW SECTION. Sec. 8. ALTERNATIVE ADDITIONAL TAX.** A new section is added to chapter 82.08 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each retail sale in this state equal to nine-tenths of one percent of the selling price. The moneys collected as a result of the increases specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

**NEW SECTION. Sec. 9. ALTERNATIVE ADDITIONAL TAX.** A new section is added to chapter 82.12 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each use by any person of property subject to tax under RCW 82.12.020 equal to nine-tenths of one percent of the value of the

article used by the taxpayer. For purposes of computing the tax under this chapter, the rate of this additional tax shall be added to the rate in effect for the retail sales tax under RCW 82.08.020, in the county in which the article is used. The moneys collected as a result of the increase specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION, Sec. 10. IMPLEMENTATION OF INCREASED TAXES. The director of revenue shall immediately take all necessary steps, within the authority granted to the director under RCW 82.01.060, to ensure that any new or increased taxes imposed to carry out the purposes of this act are assessed and collected on the applicable effective date of such tax increases.

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

NEW SECTION, Sec. 12. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION, Sec. 13. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION, Sec. 14. SHORT TITLE. This act shall be known as the children's initiative act.

NEW SECTION, Sec. 15. LEGISLATIVE DIRECTIVE. Sections 1 through 3 and 5 through 7 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION, Sec. 16. EFFECTIVE DATE. This act shall take effect June 1, 1990.

#### MOTION

On motion of Senator Newhouse, Initiative to the Legislature No. 102 was referred to the Committee on Children and Family Services.

#### MESSAGE FROM THE SECRETARY OF STATE

January 9, 1989

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 99, originally filed with this office on March 24, 1988. On December 30, 1988, the sponsors of the proposed initiative filed 12,608 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 202,872 signatures.

Accordingly, pursuant to the provisions of Article II, Section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 99 to you at this time. We expect to complete verification of signatures no later than February 7, 1989, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my my hand and affixed the seal of the state of Washington at Olympia, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State

#### INITIATIVE TO THE LEGISLATURE NUMBER 99

AN ACT Relating to elections; providing for a presidential preference primary; amending RCW 29.13.010 and 29.13.020; and creating a new chapter in Title 29 RCW.

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

NEW SECTION, Sec. 1. The people of the state of Washington declare that:

(1) The current presidential nominating caucus system in Washington state is unnecessarily restrictive of voter participation in that it discriminates against the elderly, the infirm, women, the handicapped, evening workers, and others who are unable to attend caucuses and therefore unable to fully participate in this most important quadrennial event that occurs in our democratic system of government.

(2) It is the intent of this chapter to make the presidential selection process more open and representative of the will of the people of our state.

(3) A presidential primary will afford the maximum opportunity for voter access at regular polling places during the daytime and evening hours convenient to the most people.

(4) This state's participation in the selection of presidential candidates shall be in accordance with the will of the people as expressed in a presidential preference primary.

(5) It is the intent of this chapter, to the maximum extent practicable, to continue to reserve to the political parties the right to conduct their delegate selection as prescribed by party rules insofar as it reflects the will of the people as expressed in a presidential primary election conducted every four years in the manner described by this chapter.

NEW SECTION, Sec. 2. On the fourth Tuesday in May of each year when a president of the United States is to be nominated and elected, or such other date as may be selected by the secretary of state to advance the concept of a regional primary, a presidential preference primary shall be held at which voters may express their preferences as to who should be the nominee of a major political party for the office of president.

NEW SECTION, Sec. 3. The name of any candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only:

(1) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than the thirty-ninth day before the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29.79.200 and 29.79.210.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least thirty-five days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year.

NEW SECTION, Sec. 4. The arrangement and form of presidential primary ballots shall be substantially as provided for any primary election within the state except as may be modified by this chapter or by rule of the secretary of state as provided for in section 7 of this act to adequately reflect the intent of this chapter.

A separate ballot shall be prepared for each major political party that has candidates whose names have been authorized for placement on presidential preference primary ballots under section 3 of this act. The names of all candidates for a party's nomination for the office of president shall be listed alphabetically in a column on that party's ballot. There shall be a printed box adjacent to the name of each candidate. A blank space to allow the voter to write in the name of another candidate shall also be included on each ballot.

The ballot, in providing for a choice of candidates for the office of president, shall set forth only those candidates, with their political party affiliation, who have qualified for a place on the ballot under section 3 of this act.

**NEW SECTION.** Sec. 5. Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state partisan primary, including the certification of the election returns by the secretary of state. The requirement of rotation of names on the ballot does not apply to the candidates listed on the presidential preference primary ballot. County auditors may combine and consolidate two or more precincts for the purpose of conducting the presidential preference primary only if precinct vote totals for the primary can still be made available and the consolidation does not require a voter to go to a location different from that of the last regular election.

Each person desiring to vote in the presidential preference primary shall receive a ballot request form on which the voter shall sign his or her name and address and declare the party primary in which he or she wishes to participate.

The secretary shall prescribe rules for providing each party central committee a list of the voters who participated in the presidential primary of that party.

The signed ballot request forms shall be maintained in the centralized containers by the county auditor for a period of time as specified by rule of the secretary of state, after which time they shall be destroyed, unless otherwise directed by federal law.

At a presidential preference primary, a voter may cast no more than one vote on a ballot. Any presidential preference primary ballot with more than one vote is void, and notice to this effect, couched in clear, simple language, and printed in large type, shall appear on the face of each presidential preference primary ballot. Where voting machines or electronic voting devices are in use, the notice shall be displayed on or about each machine or device.

**NEW SECTION.** Sec. 6. (1) The results of the presidential preference primary shall determine the percentage of delegate positions to be allocated to each presidential candidate. Selection of individuals to delegate positions shall be in compliance with applicable state party rules, and to the extent practicable, delegates shall be apportioned among the state's congressional districts. Delegate positions shall be allocated to presidential candidates in the manner specified in subsection (3) of this section except as otherwise provided by national party rules.

(2) All votes cast for a particular presidential candidate in a party's primary shall be considered votes for delegate positions committed to that candidate.

Each candidate for a delegate position who is committed to a particular presidential candidate, before the selection of delegates, shall sign and submit to the appropriate party's state committee the following pledge:

**Delegate Pledge**

I, . . . . . do hereby swear that I am a supporter of . . . . . for the office of President of the United States; and that if elected as a delegate to the . . . . . Party National Convention I pledge to cast my ballot as a delegate to the convention for that candidate on the first two ballots unless released by the candidate, and I pledge furthermore to do all that I can to advance the cause of that candidate at the national convention.

(3) Except as otherwise provided by national party rules, delegate positions shall be allocated from the state at-large among presidential candidates who receive at least fifteen percent of the total votes cast for candidates of the same political party, or such other percentage as national party rules may provide. Each candidate so qualified shall be allocated a percentage of delegate positions equal to as nearly as practical as that candidate's percentage of the total votes cast for candidates of the same political party in the presidential preference primary. The votes of candidates who do not receive at least fifteen percent of the total votes cast in their parties' presidential preference primary shall be proportionately allocated to those candidates who did receive fifteen percent or more of the total votes cast in their parties' presidential preference primary.

(4) If any presidential candidate, at any time after the presidential preference primary, formally releases the delegates holding positions committed to him or her under the formula established by subsection (3) of this section, the delegates shall be considered uncommitted. The delegates holding positions committed to a candidate shall be considered formally released when the candidate so notifies, in writing, the chair of his or her party's delegation.

(5) In the event of the death of a candidate to whom delegate positions have been committed, all such positions shall be considered uncommitted.

(6) If no ballot choice on a political party ballot receives fifteen percent or more of the total votes cast, the state committee of the political party shall determine how delegate positions allotted to the state by the national committee shall be committed.

(7) If a vacancy occurs in the position of delegate, the remaining delegates committed to the same preference as the vacating person shall name a person to fill the vacancy.

NEW SECTION, Sec. 7. The secretary of state as chief election officer may make rules in accordance with chapter 34.04 RCW or its statutory successor to facilitate the operation, accomplishment, and purpose of this chapter.

NEW SECTION, Sec. 8. Whenever a presidential preference primary election is held as provided by this chapter, the state of Washington shall assume all costs of holding the election if it is held alone. If any other election or elections are held at the same time, the state is liable only for its prorated share. The county auditor shall determine the election costs, including the state's prorated share, if applicable, and shall file a certified claim therefore with the secretary of state. The secretary of state shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

Sec. 9. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1980 and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020 as now or hereafter amended, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer: PROVIDED HOWEVER, That the county legislative authority may, if they deem an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March (~~except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March~~);

(c) The first Tuesday after the first Monday in April;

(d) The ~~((third))~~ fourth Tuesday in May;

(e) The day of the primary as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to the dates set forth in (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs

resulting from failure of a county to pass a special levy for the first time or from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution.

Sec. 10. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1986 and RCW 29.13.020 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;  
 (b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March ~~((- except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March))~~;

(c) The first Tuesday after the first Monday in April;

(d) The ~~((third))~~ fourth Tuesday in May;

(e) The day of the primary election as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION, Sec. 11. Sections 1 through 8 of this act shall constitute a new chapter in Title 29 RCW.

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

#### MOTION

On motion of Senator Newhouse, Initiative to the Legislature No. 99 was referred to the Committee on Governmental Operations.

## INTRODUCTION AND FIRST READING

SB 5082 by Senator West

AN ACT Relating to satellite parimutuel wagering; and amending RCW 67.16.200.

Referred to Committee on Economic Development and Labor.

SB 5083 by Senators Smith and Bailey

AN ACT Relating to braille instruction for blind students; and amending RCW 28A.13.010.

Referred to Committee on Education.

SB 5084 by Senators Smith, Lee and Johnson

AN ACT Relating to the instructional materials committee; and amending RCW 28A.58.103.

Referred to Committee on Education.

SB 5085 by Senators von Reichbauer, Moore, Smitherman, Rasmussen and Johnson

AN ACT Relating to financial planners; and amending RCW 21.20.005 and 21.20.040.

Referred to Committee on Financial Institutions and Insurance.

SB 5086 by Senator Hayner

AN ACT Relating to maintenance and repair of streets and roads; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 5087 by Senators Bender, Warnke, Rasmussen, Vognild, Owen and Conner

AN ACT Relating to game and game fish; and amending RCW 77.32.230.

Referred to Committee on Environment and Natural Resources.

SB 5088 by Senators Benitz, Stratton, Bluechel, Metcalf, Lee, Anderson and Johnson

AN ACT Relating to telephone solicitation; amending RCW 9A.82.010 and 63.14.154; adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 80.36.390; prescribing penalties; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 5089 by Senators Newhouse, Talmadge and Pullen

AN ACT Relating to superior courts; and amending RCW 4.12.040.

Referred to Committee on Law and Justice.

SB 5090 by Senators Nelson, Pullen, Talmadge and Benitz (by request of Sentencing Guidelines Commission)

AN ACT Relating to seriousness levels for unranked felonies; reenacting and amending RCW 9.94A.120 and 9.94A.320; creating a new section; declaring an emergency; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5091 by Senator Rasmussen

AN ACT Relating to the prepayment of property taxes; and amending RCW 36.32.120.

Referred to Committee on Ways and Means.

SB 5092 by Senators Lee and Talmadge

AN ACT Relating to the sale of unnecessary water district property; and amending RCW 57.08.015.

Referred to Committee on Governmental Operations.

SB 5093 by Senators Lee, Warnke, McMullen, Smitherman and Talmadge

AN ACT Relating to alcohol server education; and adding new sections to chapter 66.20 RCW.

Referred to Committee on Economic Development and Labor.

SB 5094 by Senators West, Lee, Talmadge and Johnson

AN ACT Relating to keg registration; adding new sections to chapter 66.28 RCW; adding a new section to chapter 66.08 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 5095 by Senators Lee and Smitherman (by request of Attorney General)

AN ACT Relating to water treatment devices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Economic Development and Labor.

SB 5096 by Senators Bluechel, Gaspard, McDonald, Bauer, Conner, Amondson, Anderson, Barr and Johnson

AN ACT Relating to the business and occupation tax; and amending RCW 82.04.100.

Referred to Committee on Ways and Means.

SB 5097 by Senators Sutherland, Kreidler and Thorsness (by request of State Military Department)

AN ACT Relating to the state militia; amending RCW 38.04.010, 38.04.020, 38.04.030, 38.04.040, 38.08.010, 38.08.030, 38.08.040, 38.08.050, 38.08.070, 38.08.090, 38.12.010, 38.12.020, 38.12.030, 38.12.060, 38.12.070, 38.12.070, 38.12.095, 38.12.115, 38.12.125, 38.12.150, 38.12.170, 38.12.180, 38.12.200, 38.16.010, 38.16.020, 38.16.030, 38.20.010, 38.20.040, 38.20.050, 38.24.010, 38.24.050, 38.24.060, 38.32.010, 38.32.020, 38.32.070, 38.32.080, 38.32.090, 38.32.120, 38.40.010, 38.40.020, 38.40.030, 38.40.040, 38.40.050, 38.40.060, 38.40.100, 38.40.110, 38.40.120, 38.40.130, 38.44.010, 38.44.020, 38.44.030, 38.44.040, 38.44.050, 38.44.060, and 38.48.050; repealing RCW 38.08.080, 38.40.071, 38.40.080, and 38.40.160; adding new sections to Title 38 RCW; adding a new section to chapter 38.16 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5098 by Senators Benitz, Stratton, Bluechel, Sutherland, Newhouse, Warnke, von Reichbauer, Matson, Vognild, Smitherman, Johnson, Bauer, Sellar, Saling and Madsen

AN ACT Relating to the regulation of telecommunication companies; amending RCW 80.36.170, 80.36.180, 80.36.150, and 80.36.310; reenacting and amending RCW 80.04.130; and adding new sections to chapter 80.36 RCW.

Referred to Committee on Energy and Utilities.

SB 5099 by Senators McCaslin, DeJarnatt and von Reichbauer (by request of Washington State Patrol)

AN ACT Relating to suspension without pay of a state patrol officer; and amending RCW 43.43.080 and 43.43.090.

Referred to Committee on Governmental Operations.

SB 5100 by Senator Rasmussen

AN ACT Relating to fishing licenses; and amending RCW 75.25.090 and 77.32.101.

Referred to Committee on Environment and Natural Resources.

SB 5101 by Senators Rasmussen, Amondson and Madsen

AN ACT Relating to state parks; adding new sections to chapter 43.51 RCW; and repealing RCW 43.51.055.

Referred to Committee on Environment and Natural Resources.

SB 5102 by Senators Lee, Warnke and Smitherman

AN ACT Relating to entrepreneurial development; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5103 by Senators Rasmussen and McCaslin



AN ACT Relating to motor vehicle excise tax; amending RCW 82.44.060; and providing an effective date.

Referred to Committee on Transportation.

SB 5104 by Senators Anderson, Lee and McMullen

AN ACT Relating to local development; amending RCW 43.63A.078; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5105 by Senators Lee, Warnke, Anderson, McMullen, Smitherman and Conner

AN ACT Relating to the establishment of a business and job retention program; adding a new chapter to Title 43 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 50.13 RCW; creating a new section; and making appropriations.

Referred to Committee on Economic Development and Labor.

SB 5106 by Senators Smitherman, Lee, Warnke, Williams and McMullen

AN ACT Relating to foreign sales corporations; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5107 by Senators Smith, Stratton and Craswell

AN ACT Relating to vulnerable adults; amending RCW 43.43.830, 43.43.832, 43.43.834, 43.43.838, 43.43.840, 43.43.700, 43.43.705, and 43.43.715; reenacting and amending RCW 43.43.735 and 43.43.740; and creating a new section.

Referred to Committee on Children and Family Services.

SB 5108 by Senators Saling, Bailey, Lee, Thorsness and Anderson

AN ACT Relating to visitation between an abused child and the abuser; and amending RCW 26.10.160, 26.09.191, and 26.09.240.

Referred to Committee on Law and Justice.

SB 5109 by Senators Pullen, Talmadge, Nelson, Niemi, Thorsness and Rinehart

AN ACT Relating to the court of appeals; amending RCW 2.06.020; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Law and Justice.

SB 5110 by Senators Pullen, Niemi, McCaslin, Rasmussen and Barr

AN ACT Relating to adverse possession; amending RCW 4.16.020, 7.28.050, and 7.28.070; and adding new sections to chapter 7.28 RCW.

Referred to Committee on Law and Justice.

SB 5111 by Senators Pullen, Niemi, Thorsness, McCaslin and Johnson

AN ACT Relating to work training release; reenacting and amending RCW 9.94A.150; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law and Justice.

SB 5112 by Senators Pullen, Talmadge, McCaslin, Amondson and Newhouse

AN ACT Relating to criminal justice services and the crime laboratory system; amending RCW 43.43.790 and 43.43.670; adding a new section to chapter 43.43 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 5113 by Senators Pullen, Madsen, Thorsness, McCaslin, Bailey, Amondson and Saling

AN ACT Relating to time limits for trials involving child abuse victims; adding a new section to chapter 10.46 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5114 by Senators Pullen, Niemi, Thorsness, Madsen, McCaslin, Bailey, Lee, Saling, von Reichbauer, Benitz and Johnson

AN ACT Relating to registration of sexual offenders; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5115 by Senators Barr, Hansen, Gaspard, Bailey and Newhouse

AN ACT Relating to livestock markets; and amending RCW 16.65.030, 16.65.420, and 16.65.450.

Referred to Committee on Agriculture.

SB 5116 by Senators Barr, Hansen, Anderson and Bailey

AN ACT Relating to animals at large; and amending RCW 16.13.010 and 16.16.010.

Referred to Committee on Agriculture.

SB 5117 by Senators Barr, Hansen, Gaspard, Anderson, Bailey, Newhouse, Amondson and Benitz

AN ACT Relating to limiting liability of owners of agricultural land for allowing up-pick or other on-site harvesting for personal use; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 5118 by Senators McCaslin and Pullen

AN ACT Relating to the sale of surplus state motor vehicles; amending RCW 39.33.010, 43.19.1919, and 43.19.1921; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Governmental Operations.

SB 5119 by Senators Pullen, Talmadge, Madsen and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to unclaimed property in hands of the Washington state patrol; amending RCW 9.41.098; and adding a new chapter to Title 63 RCW.

Referred to Committee on Law and Justice.

SB 5120 by Senators Barr, Lee, Saling, Warnke, McMullen and Smitherman

AN ACT Relating to the employee ownership program; reenacting and amending RCW 43.63A.230; adding a new section to chapter 43.63A RCW; repealing section 18, chapter 186, Laws of 1988 (uncodified); and making an appropriation.

Referred to Committee on Economic Development and Labor.

#### MOTION

On motion of Senator Newhouse, Senate Bill No. 5039 which was held on the Introduction and First Reading Calendar January 11, 1989, was referred to the Committee on Law and Justice.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8605

by Senators Hayner, Bender and Murray

WHEREAS, Shorecrest High School's Highlander Marching Band, because of its commitment to excellence, has been selected to represent the state of Washington at the Inaugural Parade of the Honorable George Bush in Washington, D. C.; and

WHEREAS, Under the exceptional and dedicated leadership of Band Director Ken Noreen, the music program at Shorecrest High School has become one of the strongest in the state and the nation, evidenced by the fact that this year over thirty-seven percent of Shorecrest High School students participate in music programs; and

WHEREAS, The Highlander Marching Band, which has participated in almost every major parade on the west coast, is made up of one hundred forty-four energetic and accomplished student band members including, in addition to traditional marching band personnel, a pipe band made up of bagpipes and Scottish drums, the "Lassies" drill group, the "Tall Flags" corps to carry the banners, and a contingent of cheerleaders; and

WHEREAS, Those individuals participating in the Marching Band have earned the recognition that they have received on their own time, rehearsing and perfecting their unique skills outside regular school hours, and with the love and sacrifice of their parents and family members; and

WHEREAS, Being invited to participate in the Inaugural Parade, an offer extended to only one band from each state, is but one of the many honors garnered by the Highlanders Marching Band, those honors including, among many others, awards at the Queen's Day Parade and the Abbotsford International Band Festival; and

WHEREAS, By its exemplary performance, the Highlanders Marching Band has brought justifiable pride to the families of its members, to the teachers, administrators and students of Shorecrest High School, to the Shoreline School District, and to the people of the great state of Washington in this its Centennial Year;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the determined students of Shorecrest High School's Highlanders Marching Band, as well as the devoted instructors who have led the band to such notable success; and

BE IT FURTHER RESOLVED, That the Senate, with great pride, extends both its hearty congratulations to the Highlanders Marching Band and wishes the band the best of luck as it prepares to represent the state of Washington in our nation's capitol; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Ken Noreen, to the principal of Shorecrest High School and to the Shoreline School District Board.

Senator Bender spoke to Senate Resolution 1989-8605.

#### INTRODUCTION OF SPECIAL GUESTS

Senator Hayner introduced Shorecrest High School Band Director, Mr. Ken Noreen, and Steve Kauffman, the Shorecrest High School Band President, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit the band president to present President Pritchard with a Shorecrest band pin.

#### MOTION

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

#### SENATE RESOLUTION 1989-8606

by Senators McMullen, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn; Lieutenant Governor, Joel Pritchard; Secretary of the Senate, Gordon Golob; Assistant Secretary of the Senate, Nate Naismith; Sergeant at Arms, George LaPold

WHEREAS, Senator Lowell Peterson passed away after mounting a series of courageous battles against cancer; and

WHEREAS, Lowell served the Fortieth Legislative District as the State Senator for twenty-four years; and

WHEREAS, As a city councilman and Mayor of Concrete before his legislative service, he was a dedicated public servant for over thirty years; and

WHEREAS, He was a dedicated husband, father, statesman and friend; and

WHEREAS, Lowell made many lasting improvements to the communities which stretch from the Cascade Mountains to the San Juan Islands, most prominently the creation of the North Cascade Wilderness area and cross-state highway, the

Padilla Bay Sanctuary, the Hart Lake State Park, and the renewed use of Northern State Hospital; and

WHEREAS, He made many more contributions to our state policies regarding senior citizens, health insurance, education, natural resources, childcare and transportation; and

WHEREAS, He served eighteen years as chairman of the Senate Natural Resources Committee and six years as chairman of the Senate Transportation Committee and vice chairman of the Legislative Transportation Committee, and was president of the Good Roads Association; and

WHEREAS, Lowell's ability to resolve problems with statesmanship and to the benefit of the Fortieth Legislative District will always be remembered; and

WHEREAS, Lowell had a humble nature, and it is recognized by all that he remained proud and retained his dignity to the last;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes his legislative accomplishments and the personal qualities of Lowell Peterson and extends the heartfelt sympathy of its members to his family and friends.

There being no objection, the President announced that all members would be included as sponsors of Senate Resolution 1989-8606.

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

#### MESSAGE FROM THE GOVERNOR

I first met Senator Lowell Peterson when I came to the Senate back in 1971. He was already a recognized leader in many fields, especially in the area of natural resources. As Chairman of that committee, he was a thoughtful and committed guardian of some of our state's most priceless resources.

Senator Peterson was a tireless and effective advocate for the needs and aspirations of northwest Washington, and especially Skagit County. From the creation of the Padilla Bay Sanctuary and Hart Lake State Park, the protection of many special wild lands in the area, and the North Cascades Highway, Senator Peterson has had a positive impact for which he will be long remembered.

But he was much more than an effective voice of his constituents in northwest Washington. His leadership was essential in gaining protection for children throughout our state through our child safety restraint law. He showed his concern for families all across the state by championing respite care programs to provide support for people caring for elderly and disabled loved ones.

Senator Peterson was a strong supporter of many of the most difficult efforts I have undertaken as Governor. He was also an early and strong supporter when I first ran for Governor in 1984. I am deeply grateful for his loyal support. I would also like to express my thanks and the gratitude of many throughout our state for his recent work as director of the Road Jurisdiction Committee. Their study of state-wide roadway needs provides the blueprint for addressing many of our transportation problems.

I would like to express my sincere appreciation for Senator Lowell Peterson's long years of dedicated service to the people of northwest Washington and our entire state. He will truly be missed.

BOOTH GARDNER,  
Governor

#### MOTION

On motion of Senator Newhouse, the use of the Senate Chamber for a Committee on Environment and Natural Resources meeting for Monday, February 20, 1989, from 6:00 p.m. to 9:00 p.m. was approved.

#### MOTION

On motion of Senator Bluechel, all remarks of the second day session on Tuesday, January 10, 1989, honoring Lieutenant Governor John Cherberg will be spread upon the Journal.

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

MOTION

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5006.

On motion of Senator Newhouse, Senate Bill No. 5006 was referred to the Committee on Economic Development and Labor.

FUNERAL SERVICES FOR SENATOR PETERSON

Senator Newhouse invited all Senators and the Senate staff to the Memorial Service for Senator Lowell Peterson to be held in the Senate Chamber at 12:00 noon today.

MOTION

At 11:40 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 16, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 16, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bender, Cantu, Fleming, McDonald and von Reichbauer. On motion of Senator Warnke, Senators Bender and Fleming were excused. On motion of Senator Anderson, Senators Barr, Cantu and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Teri Farcy and Jack Dunnigan, presented the Colors. Reverend Leo C. Brown, pastor of the True Vine Church of God in Christ, of Tacoma, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Murphy, appointed January 16, 1989, for a term ending January 15, 1995, as a member of the Liquor Control Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

#### INTRODUCTION AND FIRST READING

SB 5121 by Senators Fleming, Bailey, Talmadge, Gaspard, Murray, Smith, Moore and Benitz

AN ACT Relating to drug awareness education; amending RCW 28A.120.030; adding new sections to chapter 28A.120 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 5122 by Senators Matson, Smith, Wojahn, Moore, Lee, Benitz, Conner, Hansen, Sutherland, Smitherman, Fleming and McMullen

AN ACT Relating to excise taxation of amusement devices; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5123 by Senators Bauer, McCaslin, DeJarnatt, Sutherland and Smith

AN ACT Relating to nonenergy-related building codes; amending RCW 19.27.060, 36.21.070, and 36.21.080; adding a new section to chapter 19.27 RCW; and repealing RCW 36.21.040, 36.21.050, and 36.21.060.

Referred to Committee on Governmental Operations.

SB 5124 by Senators Metcalf, Stratton and Bailey

AN ACT Relating to a bill of rights for sexually abused children; and adding a new section to chapter 26.12 RCW.

Referred to Committee on Children and Family Services.

SB 5125 by Senators McCaslin, Pullen, Stratton, Owen, Craswell, Johnson, Smith and Metcalf

AN ACT Relating to prohibiting causes of action for wrongful life and wrongful birth; prohibiting a defense, or an award of damages or imposition of a penalty based on the failure or refusal to prevent a live birth; adding new sections to chapter 4.24 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5126 by Senators Benitz, Williams, Bluechel, Owen, Nelson, Stratton, Sutherland and Metcalf

AN ACT Relating to a surveillance fee for low-level radioactive waste disposal; and amending RCW 70.98.085.

Referred to Committee on Energy and Utilities.

SB 5127 by Senator McCaslin

AN ACT Relating to boundary review boards; amending RCW 35.02.037, 35.02.039, 35.02.070, 35.02.078, 35.02.086, 35.02.100, 35.02.150, 35.10.217, 35.10.450, 35.13.171, 35A.14.015, 35A.14.030, 35A.14.050, 35A.14.070, 35A.14.160, 35A.14.220, 35A.14.230, 36.94.170, 39.33.060, 56.02.060, 56.02.070, 56.36.030, 57.02.040, and 57.40.120; and repealing RCW 36.93.010, 36.93.020, 36.93.030, 36.93.040, 36.93.050, 36.93.060, 36.93.070, 36.93.080, 36.93.090, 36.93.093, 36.93.100, 36.93.105, 36.93.110, 36.93.115, 36.93.120, 36.93.130, 36.93.140, 36.93.150, 36.93.160, 36.93.170, 36.93.180, 36.93.190, 36.93.200, 36.93.210, 36.93.220, 36.93.900, 36.93.910, and 36.93.920.

Referred to Committee on Governmental Operations.

SB 5128 by Senator McCaslin

AN ACT Relating to local improvements; amending RCW 35.43.120, 35.43.140, and 35.43.150; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Governmental Operations.

SB 5129 by Senators McCaslin and Rasmussen

AN ACT Relating to on-site sewage systems; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Governmental Operations.

SB 5130 by Senators McCaslin and Rasmussen

AN ACT Relating to recording of easements by utilities; and adding a new section to chapter 65.08 RCW.

Referred to Committee on Governmental Operations.

SB 5131 by Senator McCaslin

AN ACT Relating to assessments for local improvements; and amending RCW 35.44.120 and 35.44.390.

Referred to Committee on Governmental Operations.

SB 5132 by Senators McCaslin and Rasmussen

AN ACT Relating to local improvement district notices; and amending RCW 35.43.150 and 35.44.080.

Referred to Committee on Governmental Operations.

SB 5133 by Senator McCaslin

AN ACT Relating to utility local improvement districts and local improvement districts; and amending RCW 36.94.230 and 36.94.240.

Referred to Committee on Governmental Operations.

SB 5134 by Senator McCaslin

AN ACT Relating to assessment of special benefits to property; and amending RCW 35.44.010.

Referred to Committee on Governmental Operations.

SB 5135 by Senators McCaslin and Rasmussen

AN ACT Relating to local improvement districts; adding a new section to chapter 43.20 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5136 by Senators Owen, Metcalf, Amondson, Moore and Smith

AN ACT Relating to a fish identification card; adding a new section to chapter 75.08 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5137 by Senators Johnson, Rasmussen, Smitherman, Nelson, von Reichbauer, Saling, Niemi, Moore, Hayner, Vognild, Warnke and Lee (by request of Joint Committee on Pension Policy)

AN ACT Relating to portability of pension benefits for school nurses; adding new sections to chapter 41.32 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5138 by Senators Nelson and Bender

AN ACT Relating to vehicle inspection fees when a physical examination is required; amending RCW 46.12.040; and making an appropriation.

Referred to Committee on Transportation.

SB 5139 by Senators Nelson and Bender

AN ACT Relating to front wheel brakes and air brakes on commercial motor vehicles; and amending RCW 46.37.340.

Referred to Committee on Transportation.

SB 5140 by Senators McCaslin and DeJarnatt (by request of Governor Gardner)

AN ACT Relating to state personnel administration; amending RCW 41.06.030, 41.06.070, 41.06.130, 41.06.140, 41.06.160, 41.06.170, 41.06.186, 41.06.196, 41.06.220, 41.06.270, 41.06.280, 41.06.340, 41.06.350, 41.06.400, 41.06.410, 41.06.420, 41.06.430, 41.06.450, 41.06.475, 41.64.090, 34.12.020, 41.04.340, 41.48.140, 41.50.804, 41.56.100, 41.60.041, 41.64.010, 41.64.090, 42.16.010, 42.17.2401, 43.03.028, 43.03.305, 43.06.425, 43.06.430, 43.33A.100, 43.43.832, 43.60A.906, 43.131.090, 48.03.060, 49.46.010, 70.87.120, 72.01.210, 72.19.050, and 74.09.150; reenacting and amending RCW 41.06.020, 41.06.150, and 41.64.030; decodifying RCW 41.64.900 and 72.09.220; repealing RCW 41.06.110, 41.06.120, 41.06.230, 41.06.240, 41.06.300, 41.06.310, 41.06.320, 41.06.330, and 50.12.031; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5141 by Senators Sutherland, Warnke, Newhouse, Bender, Matson, Owen, Craswell, Talmadge, Bauer, Vognild, Johnson, Conner, Hansen, Saling, Patterson, Nelson, von Reichbauer, Wojahn, Madsen, Barr, Gaspard, Kreidler, Lee, Murray, Benitz, West, Moore, Niemi, Sellar and Smith

AN ACT Relating to recreational fisheries enhancement and management; amending RCW 75.08.012, 75.08.245, and 75.08.011; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5142 by Senators McCaslin, Thorsness, DeJarnatt and Rasmussen (by request of Office of State Auditor)

AN ACT Relating to local government financial reports; and amending RCW 43.09.230.

Referred to Committee on Governmental Operations.

SB 5143 by Senators Pullen, Madsen, Talmadge and Moore



AN ACT Relating to ballot pages and the placement of candidates' names thereon; and amending RCW 29.34.085.

Referred to Committee on Governmental Operations.

SB 5144 by Senators Pullen and DeJarnatt

AN ACT Relating to the preservation of documents recorded or filed with county auditors; amending RCW 36.18.010; adding new sections to chapter 36.18 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5145 by Senators Smith, Niemi, Johnson, Kreidler, West and Moore

AN ACT Relating to licensing adult family homes; adding a new chapter to Title 71 RCW; repealing RCW 74.08.044; and making an appropriation.

Referred to Committee on Health Care and Corrections.

SB 5146 by Senators Owen, Craswell, Kreidler, Lee, Stratton, Sellar and Conner

AN ACT Relating to a Hood Canal marine fish preservation area; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5147 by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McMullen, McCaslin and West

AN ACT Relating to credit service organizations; and amending RCW 19.134.010.

Referred to Committee on Financial Institutions and Insurance.

SB 5148 by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McCaslin and Moore

AN ACT Relating to motor vehicle rentals; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance

SB 5149 by Senators von Reichbauer, Talmadge and Patterson

AN ACT Relating to student transportation safety; amending RCW 46.61.370; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Transportation.

SB 5150 by Senators Bender, Thorsness, Kreidler, Conner and Talmadge

AN ACT Relating to a former prisoner of war recognition day; and amending RCW 1.16.050.

Referred to Committee on Governmental Operations.

SB 5151 by Senators Wojahn, Rasmussen, Metcalf, Bauer, Vognild, Warnke and Moore

AN ACT Relating to senior citizen state park passes; and amending RCW 43.51.055.

Referred to Committee on Environment and Natural Resources.

SB 5152 by Senators von Reichbauer and Smitherman

AN ACT Relating to insurance form and rate filings; amending RCW 48.18.100, 48.18.140, 48.19.030, 48.19.040, 48.19.060, 48.19.100, 48.19.120, and 48.19.280; repealing RCW 48.19.440; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 5153 by Senators West and Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to adult family homes; amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.040, and 74.15.090; and creating new sections.

Referred to Committee on Health Care and Corrections.

SB 5154 by Senators West and Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to sanitary control of shellfish; amending RCW 69.30.010; adding new sections to chapter 69.30 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5155 by Senators Wojahn, Anderson, Madsen, Bauer, Vognild, Warnke, Lee, Niemi, Smith and McMullen

AN ACT Relating to child care; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SJM 8000 by Senators Madsen, Niemi, Talmadge, Pullen, McCaslin, Nelson, Thorsness, Rinehart and Johnson (by request of Attorney General)

Relating to a resolution to the President for a constitutional amendment for victims' rights.

Referred to Committee on Law and Justice.

#### MOTION

At 10:11 a.m., on motion of Senator Newhouse, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:05 a.m. by President Pritchard.

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

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 16, 1989

GA 9025 CHRISTINE GREGOIRE, appointed May 13, 1988, for a term ending at the Governor's pleasure, as Director of the Department of Ecology.  
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules.

January 11, 1989

GA 9069 HUGH D. SPITZER, appointed April 29, 1988, for a term ending July 5, 1989, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8607

by Senators Fleming, Smitherman, Talmadge, Rasmussen and Wojahn

WHEREAS, Dr. Martin Luther King, Jr. serves as an excellent role model for all Americans, teaching us to love each other and not to judge based on skin color, but by the content of one's character; and

WHEREAS, Dr. Martin Luther King, Jr. received numerous awards, including the Nobel Peace Prize in 1964, for leading the struggle for equality through non-violent means, and serves as a role model for all Americans; and

WHEREAS, Dr. Martin Luther King, Jr.'s hopes and dreams continue to extend to millions throughout the world, encouraging them to seek world peace through negotiation and discussion rather than war and aggression; and

WHEREAS, The United States of America and numerous states, including Washington State, annually celebrate the life, accomplishments, and inspiration to future generations on the third Monday of January each year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors the work of Dr. Martin Luther King, Jr. on this day, Monday, January 16, 1989, and we rededicate ourselves to the high ideals and commendable standards he set as an example to follow; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate encourage all citizens of this state to take a moment and reflect on the significant contributions that this truly great American made to the entire world.

MOTION

At 11:19 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 18, 1989.

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

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 18, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Hayner, McMullen, Moore, Pullen, Smith and von Reichbauer. On motion of Senator Anderson, Senators Hayner, Smith, Pullen and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Alexa Actor and Elissa Beem, presented the Colors. Reverend Jon Hagebusch, senior associate of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 17, 1989

SB 5022 Prime Sponsor, Senator Benitz: Modifying utilities and transportation commission reporting requirements. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

January 17, 1989

SB 5023 Prime Sponsor, Senator Benitz: Revising provisions for proposed tariff changes. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

January 16, 1989

SB 5061 Prime Sponsor, Senator Smith: Excepting smelt from personal use license requirements. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

January 16, 1989

SB 5063 Prime Sponsor, Senator Smith: Repealing provisions for personal use fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen.

Referred to Committee on Ways and Means.

January 16, 1989

SB 5067 Prime Sponsor, Senator Pullen: Changing criminal penalties for assault of a transit operator and rider safety. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5067 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

THE JOINT COMMITTEE ON PENSION POLICY

January, 1989

Dear Member:

The Joint Committee on Pension Policy (JCPP) spent much of the 1988 interim reviewing the state's policy regarding the Cost of Living Adjustments (COLA) provided to retirees in the Teachers Retirement System (TRS), Plan I and the Public Employees Retirement System (PERS), Plan I.

The enclosed report, Plan I COLA Policy in Washington State, was prepared at the request of the JCPP in order to share much of what was learned in the course of our efforts.

The report begins with an Executive Summary which summarizes many of the important points discussed in the report. We hope you will take the time to review it.

The main body of the report provides additional background information for those legislators and staff who wish to research the topic in greater depth or who want to be able to respond to constituent questions dealing with retirement benefits and COLA policy.

Please contact the JCPP staff if you would like additional copies of the report or the Executive Summary.

Sincerely,

STAN JOHNSON, Senator,  
CHAIR, Joint Committee  
on Pension Policy

LORRAINE HINE, Representative,  
VICE CHAIR, Joint Committee  
on Pension Policy

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT  
Olympia, Washington 98504

January 12, 1989

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

Dear Mr. Golob:

Enclosed is a copy of the Washington State Labor Market and Economic Report 1988. This report is submitted in response to legislation passed during the 1987 session (RCW 50.12.260) requiring from the Employment Security Department "...an annual state economic report to the Legislature and Governor."

This report is to assist the Legislature and the Governor during the 1989 legislative session. It contains pertinent discussions, analyses and figures addressing subjects of concern, such as labor markets with high concentrations of seasonal, cyclical or structurally mature industries; mass layoffs; dislocated workers; unemployed workers who have depleted their unemployment insurance benefits; part-time workers; educational changes and family issues.

Additional data and graphs are available in appendices devoted to each chapter in the report.

If you have questions, or desire more complete data or analysis on any of the subjects addressed in this report, please call Mr. Gary Bodeutsch, Director of our Labor Market and Economic Analysis Branch, at (206) 438-4804.

Sincerely,  
ISIAH TURNER  
Commissioner

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

REPORT OF SELECT COMMITTEE

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

January 11, 1989

TO: Gordon Golob, Secretary of the Senate  
FROM: Lucille Christenson, Executive Director, Family Independence Program  
SUBJECT: FINAL REPORT - FINANCIAL RESPONSIBILITY STUDY

Attached is a copy of the Final Report for Phase II of the Financial Responsibility Study. The report was prepared by a public Oversight Committee which I chaired.

As you will note from the report, two of the recommendations have fiscal implications. Any implementation of the recommendations must include consideration of that revenue shortfall.

I must also point out that the Oversight Committee recommendations are very different from any previous attempts to implement "parent pay." The concept recommended by this committee crosses all Department of Social and Health Services programs and seeks to standardize the method of charging users and parents of minor children.

Copies of the report have not been distributed to all legislators, only to the Secretary of the Senate (or Chief Clerk House, as applicable) and to the Chairs of the Senate Human Services and Corrections Committee and the House Human Services Committee. If additional copies should be distributed, please contact Pat Quesnel, 753-1312.

If you wish a briefing on this report, philosophy; intent or fiscal implications, please feel free to contact me.

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

REPORT OF SELECT COMMITTEE

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

January 4, 1989

TO: Senate Economic Development and Labor Committee Members  
Senate Law and Justice Committee Members  
House Commerce and Labor Committee Members  
House Judiciary Committee Members  
FROM: JULE M. SUGARMAN, Secretary  
SUBJECT: FINAL REPORT AND EXECUTIVE SUMMARY ON THE EMPLOYER REPORTING DEMONSTRATION PROJECT

Attached are copies of the Final Report to the Legislature and the Executive Summary of the Employer Reporting Demonstration Project as required by RCW 26.23.040.

This report is the product of a joint effort between the Departments of Social and Health Services and Employment Security and representatives of employers around the state. Legislation is being proposed this session from the recommendations of the project.

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 15, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michel E. Lacasse, appointed January 15, 1989, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

MESSAGE FROM THE HOUSE

January 16, 1989

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401.

INTRODUCTION AND FIRST READING

SB 5156 by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer, Gaspard and Barr

AN ACT Relating to Cedar river sockeye salmon; adding new sections to chapter 75.52 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5157 by Senator Madsen

AN ACT Relating to criminal procedure; amending RCW 7.36.130; adding new sections to chapter 10.73 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 5158 by Senators Madsen, West, Talmadge, Bauer, Warnke, Benitz, Metcalf, Gaspard and Vognild

AN ACT Relating to disposition of juvenile offenders; amending RCW 13.40.030; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Health Care and Corrections.

SB 5159 by Senators Madsen and Bailey

AN ACT Relating to school construction; amending RCW 67.70.240; and adding new sections to chapter 67.70 RCW.

Referred to Committee on Ways and Means.

SB 5160 by Senators Madsen, Rasmussen, Johnson, Saling, Smitherman, Craswell, von Reichbauer, Metcalf and Bender

AN ACT Relating to veterans' preferences in public employment; amending RCW 41.04.010; and reenacting and amending RCW 41.06.150.

Referred to Committee on Governmental Operations.

SB 5161 by Senators Stratton, Bailey, Owen, McMullen, West and Saling

AN ACT Relating to abuse or neglect of vulnerable adults; amending RCW 74.34.020, 74.34.060, and 74.34.130; and adding new sections to chapter 74.34 RCW.

Referred to Committee on Children and Family Services.

SB 5162 by Senators Stratton, Bailey, Owen, McMullen, West and Saling

AN ACT Relating to guardianships; amending RCW 11.88.005, 11.88.010, 11.88.030, 11.88.040, 11.88.045, 11.88.090, 11.88.100, 11.88.105, 11.88.107, 11.88.125, 11.88.140, and 11.92.040; and adding new sections to chapter 11.88 RCW.

Referred to Committee on Law and Justice.

SB 5163 by Senators McCaslin, DeJarnatt and Kreidler

AN ACT Relating to abandoned property held by local government; amending RCW 63.29.190; adding a new section to chapter 63.29 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5164 by Senators Stratton, Talmadge, Smith, Rasmussen, Vognild, Hansen, Bauer, Kreidler, Bender, Madsen, Fleming, Owen, Bailey, West, McMullen, Saling, Warnke and Lee

AN ACT Relating to children and family services; amending RCW 13.40.025, 13.40.027, 13.40.030, 43.121.020, 43.121.030, 43.121.040, and 43.121.060; adding a new chapter to Title 26 RCW; creating new sections; repealing RCW 13.40.035; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5165 by Senators Pullen, Talmadge and Rasmussen (by request of Public Disclosure Commission)

AN ACT Relating to lobbying; amending RCW 42.17.020, 42.17.150, 42.17.155, 42.17.160, 42.17.170, and 42.17.180; adding new sections to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5166 by Senators Pullen, Talmadge, Rasmussen, Vognild, Newhouse and Bauer (by request of Public Disclosure Commission)

AN ACT Relating to gifts and public office funds; amending RCW 42.17.020, 42.17.095, 42.17.240, and 42.17.243; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5167 by Senators Pullen, Talmadge, Rasmussen, Newhouse and Vognild (by request of Public Disclosure Commission)

AN ACT Relating to campaign finance reporting; amending RCW 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, and 42.17.135; reenacting and amending RCW 42.17.090; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5168 by Senators Bluechel, DeJarnatt, Sellar, Vognild, Cantu, Kreidler, Sutherland, Thorsness, Smitherman and Lee (by request of Washington State Library)

AN ACT Relating to the operation of an automated bibliographic service by the state library commission; amending RCW 27.26.010, 27.04.045, and 41.06.070; adding new sections to chapter 27.26 RCW; creating a new section; decodifying section 5, chapter ..., Laws of 1989; repealing RCW 27.26.010, 27.26.020, 27.26.030, 27.26.040, 27.26.050, 27.26.060, 27.26.---, 27.26.---, 27.26.---, 27.26.---, 27.26.---, and 27.26.---; providing effective dates; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5169 by Senators Smith and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to revenue collection by the department of social and health services; amending RCW 43.20B.635, 74.09.180, 74.09.182, 74.09.186, 74.09.290, and 74.09.750; amending section 1, chapter 264, Laws of 1988 (uncodified); adding new sections to



chapter 43.20B RCW; creating a new section; recodifying RCW 43.20A.440, 74.09.182, 74.09.186, and 74.09.750; and repealing RCW 74.09.184.

Referred to Committee on Children and Family Services.

**SB 5170** by Senator Smitherman

AN ACT Relating to social security numbers; amending RCW 4.64.020, 4.64.030, 4.64.070, and 4.64.090; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Governmental Operations.

**SB 5171** by Senators Fleming, Talmadge, Bauer and Niemi

AN ACT Relating to school programs in observance of the anniversary of the birth of Martin Luther King, Jr.; and adding new sections to chapter 28A.02 RCW.

Referred to Committee on Education.

**SB 5172** by Senators Benitz, Williams and Nelson (by request of Washington State Energy Office)

AN ACT Relating to energy conservation; amending RCW 35.92.360 and 54.16.280; and declaring an emergency.

Referred to Committee on Energy and Utilities.

**SB 5173** by Senators McCaslin, Thorsness, DeJarnatt, Hayner and Vognild (by request of Office of State Auditor)

AN ACT Relating to disclosure of improper governmental action; amending RCW 42.40.020, 42.40.030, 42.40.040, 42.40.050, and 42.40.070; and repealing RCW 42.40.060.

Referred to Committee on Governmental Operations.

**SB 5174** by Senators Benitz, Williams and Madsen (by request of Washington State Energy Office)

AN ACT Relating to a comprehensive state hydropower plan; and creating new sections.

Referred to Committee on Energy and Utilities.

**SB 5175** by Senators Barr, Conner, Patterson, Owen, McMullen, Metcalf, Sellar, Benitz, Anderson, West, Bauer, Warnke and Kreidler

AN ACT Relating to a study of rural training opportunities for physicians, nurses, and physician assistants; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Health Care and Corrections.

**SB 5176** by Senators West, Conner, Patterson, Owen, Barr, Sellar, Benitz, Anderson and Kreidler

AN ACT Relating to a study of health professional cross-credentialing in rural areas; and creating new sections.

Referred to Committee on Health Care and Corrections.

**SB 5177** by Senators Barr, Conner, Patterson, Metcalf, McMullen, Sellar, Benitz, Vognild, Anderson, West, Bauer, Warnke and Kreidler

AN ACT Relating to the rural health system project; adding a new chapter to Title 70 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Health Care and Corrections.

**SB 5178** by Senators Patterson, Conner, Barr, Metcalf, Sellar, Benitz, Anderson, West and Kreidler

AN ACT Relating to rural hospitals; defining rural hospitals and exempting them from state hospital commission rate approval; amending RCW 70.39.020; and adding a new section to chapter 70.39 RCW.

Referred to Committee on Health Care and Corrections.

**SB 5179** by Senators Barr, Patterson, Conner, Metcalf, Sellar, Benitz, Anderson, West and Kreidler

AN ACT Relating to the rural health facility licensure model; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care and Corrections.

**SB 5180** by Senators Barr, Patterson, Conner, Metcalf, Sellar, Benitz, Anderson, West and Kreidler

AN ACT Relating to rural hospitals; defining rural hospitals and exempting them from certain certificate of need requirements; and amending RCW 70.38.025 and 70.38.111.

Referred to Committee on Health Care and Corrections.

**SB 5181** by Senators West, Conner, Patterson, Sellar, McMullen, Barr, Metcalf, Vognild, Benitz, Anderson, Bauer and Niemi

AN ACT Relating to development of standards for nurses' training; and creating new sections.

Referred to Committee on Health Care and Corrections.

**SB 5182** by Senators Barr, Owen, Conner, Metcalf, Sellar, Vognild, Benitz, Bauer, Anderson, West and Kreidler

AN ACT Relating to the health professional loan forgiveness program; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care and Corrections.

**SB 5183** by Senators von Reichbauer, Talmadge, Patterson, DeJarnatt and Lee

AN ACT Relating to pedestrians; and amending RCW 46.04.400, 46.61.055, 46.61.060, 46.61.235, 46.61.240, 46.61.250, and 46.61.266.

Referred to Committee on Transportation.

**SB 5184** by Senators Smitherman, Lee and Talmadge

AN ACT Relating to commercial limousine operators; amending RCW 81.70.030; and adding a new chapter to Title 81 RCW.

Referred to Committee on Transportation.

**SB 5185** by Senators Wojahn, Lee, Rasmussen, Madsen, Gaspard, Smitherman, Niemi and Vognild

AN ACT Relating to child care zoning; amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

**SB 5186** by Senators Pullen, Talmadge, McCaslin, Nelson, Thorsness and Rasmussen

AN ACT Relating to the commission on judicial conduct; amending RCW 2.64.010, 2.64.020, 2.64.050, 2.64.091, and 2.64.120; adding new sections to chapter 2.64 RCW; creating a new section; repealing RCW 2.64.110; and providing a contingent effective date.

Referred to Committee on Law and Justice.

**SB 5187** by Senators Pullen, Talmadge, Nelson, Hayner, Thorsness, Rasmussen and Madsen

AN ACT Relating to nonpartisan and judicial elections; amending RCW 29.21.150 and 29.80.020; and adding a new section to chapter 29.21 RCW.

Referred to Committee on Law and Justice.

**SB 5188** by Senators Conner and Owen

AN ACT Relating to leasing communicator sites on state lands for emergency and public service communications; and amending RCW 79.12.015 and 79.12.025.

Referred to Committee on Environment and Natural Resources.

**SB 5189** by Senator Kreidler

AN ACT Relating to smoking; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5190 by Senators Metcalf, Vognilid and Bauer

AN ACT Relating to abolishing the commission on judicial conduct; and repealing RCW 2.64.010, 2.64.020, 2.64.030, 2.64.040, 2.64.050, 2.64.060, 2.64.070, 2.64.080, 2.64.091, 2.64.094, 2.64.100, 2.64.110, 2.64.120, and 2.64.910.

Referred to Committee on Law and Justice.

SB 5191 by Senators Pullen, Niemi and Nelson (by request of Sentencing Guidelines Commission)

AN ACT Relating to uniform application of good-time credit statutes; amending RCW 70.48.210; reenacting and amending RCW 9.94A.150; and adding a new section to chapter 9.92 RCW.

Referred to Committee on Law and Justice.

SB 5192 by Senators Pullen, Thorsness, Newhouse and Talmadge (by request of State Military Department)

AN ACT Relating to the Washington code of military justice; amending RCW 38.38-.004, 38.38.008, 38.38.012, 38.38.016, 38.38.020, 38.38.024, 38.38.064, 38.38.068, 38.38.072, 38.38.076, 38.38.080, 38.38.084, 38.38.088, 38.38.092, 38.38.132, 38.38.172, 38.38.176, 38.38.184, 38.38.188, 38.38.196, 38.38.200, 38.38.200, 38.38.244, 38.38.248, 38.38.252, 38.38.256, 38.38.260, 38.38.268, 38.38.308, 38.38.312, 38.38.316, 38.38.320, 38.38.324, 38.38.328, 38.38.368, 38.38.372, 38.38.376, 38.38.380, 38.38.384, 38.38.388, 38.38.392, 38.38.396, 38.38.400, 38.38.404, 38.38.408, 38.38.412, 38.38.420, 38.38.428, 38.38.432, 38.38.440, 38.38.484, 38.38.488, 38.38.492, 38.38.532, 38.38.540, 38.38.556, 38.38.564, 38.38.568, 38.38.572, 38.38.580, 38.38.652, 38.38.656, 38.38.660, 38.38.684, 38.38.688, 38.38.716, 38.38.720, 38.38.756, 38.38.772, 38.38.788, 38.38.800, 38.38.840, 38.38.844, 38.38.848, 38.38.852, 38.38.856, 38.38.860, 38.38.864, and 38.38.868; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5193 by Senators Amondson, Madsen, Anderson, Newhouse, Kreidler, McMullen, Talmadge and Warnke

AN ACT Relating to optometry; amending RCW 18.53.010, 18.53.140, and 69.41.010; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care and Corrections.

SB 5194 by Senators McCaslin and DeJarnatt

AN ACT Relating to sharing the costs of state primary and general elections; amending RCW 29.13.047; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5195 by Senators Barr, Hansen, Talmadge, Williams, Conner, Rasmussen, Gaspard, Bauer, Warnke, Benitz and Lee (by request of Governor Gardner)

AN ACT Relating to water use efficiency and conservation; amending RCW 90.54.020, 90.54.120, and 90.03.360; adding a new section to chapter 19.27 RCW; adding a new section to chapter 43.20 RCW; adding new sections to chapter 90.54 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 5196 by Senators Barr, Hansen, Talmadge, Williams, Conner, Madsen, Gaspard, McMullen and Benitz (by request of Governor Gardner)

AN ACT Relating to emergency drought relief; amending RCW 43.83B.210; adding new sections to chapter 43.83B RCW; repealing RCW 43.83B.305, 43.83B.310, 43.83B.315, 43.83B.320, 43.83B.325, 43.83B.330, 43.83B.340, 43.83B.342, and 43.83B.344; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5197 by Senators Pullen, Talmadge, Nelson, Rasmussen and Warnke (by request of Governor Gardner)

AN ACT Relating to reporting of public officials' financial affairs; amending RCW 42.17.240 and 42.17.2401; and creating new sections.

Referred to Committee on Law and Justice.

SB 5198 by Senators West and Williams (by request of Governor Gardner)

AN ACT Relating to health care; amending RCW 70.39.010, 70.39.020, 70.39.030, 70.39.040, 70.39.100, 70.39.130, 70.39.140, 70.39.150, 70.38.025, 70.38.085, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 43.131.253, and 43.131.254; reenacting and amending RCW 70.39.050; adding a new chapter to Title 70 RCW; adding new sections to chapter 70.39 RCW; creating new sections; repealing RCW 70.39.070 and 70.39.160; and prescribing penalties.

Referred to Committee on Health Care and Corrections.

SB 5199 by Senators Pullen, Talmadge, Nelson and Rasmussen (by request of Governor Gardner and Office of the Attorney General)

AN ACT Relating to modifications in the Administrative Procedure Act and necessary conforming amendments; amending RCW 34.05.010, 34.05.030, 34.05.080, 34.05.220, 34.05-310, 34.05.315, 34.05.320, 34.05.335, 34.05.340, 34.05.350, 34.05.380, 34.05.413, 34.05.422, 34.05.425, 34.05.428, 34.05.440, 34.05.446, 34.05.449, 34.05.461, 34.05.464, 34.05.470, 34.05.473, 34.05.485, 34.05.488, 34.05.550, 34.05.566, 34.05.570, 34.05.574, 34.05.586, 34.08.040, 34.08.050, 34.12.020, 34.12.060, 34.12.120, 42.17.260, 2.10.200, 7.24.146, 7.68.110, 9.46.095, 9.46.140, 15.13.350, 15.14.080, 15.30.090, 15.32.584, 15.35.240, 15.36.115, 15.36.595, 15.37.080, 15.53-9036, 15.80.590, 16.49.454, 16.58.070, 16.65.445, 16.74.370, 17.10.080, 17.21.050, 18.08.450, 18.20.060, 18.27.104, 18.43.110, 18.46.050, 18.51.065, 18.54.050, 18.85.271, 18.85.343, 18.130-060, 18.130.100, 18.130.110, 18.130.190, 19.85.030, 19.85.040, 19.85.050, 24.34.020, 26.19.020, 26.23.110, 26.23.120, 28B.15.013, 28B.50.864, 28B.50.873, 28B.85.090, 28C.10.120, 35.68.076, 39.19.030, 40.07.020, 41.40.414, 41.40.420, 42.17.020, 42.17.170, 42.17.395, 42.17.397, 42.21.020, 42.30.140, 43.20A.605, 43.20B.340, 43.20B.430, 43.20B.630, 43.20B.740, 43.21B.110, 43.21B.160, 43.21B.180, 43.21B.240, 43.51.040, 43.51.340, 43.60A.070, 43.131.080, 46.10.220, 46.20.331, 48.03.070, 48.17.540, 48.62.050, 49.60.250, 49.60.260, 50.32.040, 50.32.090, 50.32.140, 51.48.131, 51.48.140, 66.08.150, 67.70.060, 68.05.310, 69.30.080, 70.38.115, 70.41.030, 70.41.130, 70.77.370, 70.90.210, 70.96A.090, 70.98.050, 70.98.130, 70.105B.070, 70.119A.040, 70.150.040, 71.12.500, 71A.10.050, 71A.10.060, 71A.10.070, 71A.16.040, 71A.16.040, 71A.20.080, 72.66.044, 74.08.080, 74.09.210, 74.13.036, 74.13.127, 74.15.130, 74.18.120, 74.20A.020, 74.20A.055, 74.20A.060, 74.20A.080, 74.20A.120, 74.20A.270, 74.20A.290, 74.21.100, 74.46.780, 75.20.130, 75.20.140, 76.04.630, 76.09.080, 76.09.220, 76.09.230, 78.44.170, 78.52.463, 78.52.470, 79.72.040, 79.90.105, 79.94.210, 80.50.075, 80.50.090, 80.50.100, 82.03.160, 82.03.180, 82.34.040, 84.26.130, 84.33.200, 90.14.200, 90.48.230, 90.58.120, 90.58.180, and 90.58.190; adding a new section to chapter 34.05 RCW; adding a new section to chapter 7.16 RCW; adding new sections to chapter 43.20A RCW; repealing RCW 18.20.070, 18.46.100, 34.04.115, 34.05.538, 69.30.090, 69.30.100, 70.41.140, 74.08.070, 74.09.536, and 74.12.270; providing effective dates; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5200 by Senators West, Niemi, Bailey, Rasmussen, Talmadge, Vognild, Gaspard, DeJarnatt, Williams, McMullen, Kreidler, Conner, Sutherland and Lee (by request of Governor Gardner)

AN ACT Relating to comprehensive mental health improvement; amending RCW 71.24.025, 71.24.035, 71.24.045, 71.05.010, 71.05.020, 71.05.120, 71.05.130, 71.05.200, 71.05.250, and 71.05.370; adding new sections to chapter 71.24 RCW; adding a new section to chapter 72.06 RCW; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5201 by Senator Lee

AN ACT Relating to a professional licensing recovery fund; amending RCW 18.11.085, 18.11.095, 18.16.140, 18.16.160, 18.28.030, 18.28.050, 18.35.040, 18.35.250, 19.16.120, 19.31.090, and 42.44.020; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 18.11.121, 18.28.040, 18.28.045, 18.35.240, 19.16.190, 19.16.200, and 19.31.090.

Referred to Committee on Economic Development and Labor.

SB 5202 by Senators Lee and Rasmussen

AN ACT Relating to bonding requirements; and amending RCW 14.20.070, 15.80.480, 18.16.140, 19.91.140, 31.08.030, 42.44.020, 46.55.030, 46.70.070, 46.70.075, 46.80.070, 48.15.070, 48.17.250, and 76.40.030.

Referred to Committee on Economic Development and Labor.

SB 5203 by Senators Anderson and Lee

AN ACT Relating to the Washington state self-employment loan program; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5204 by Senators Anderson, McMullen, Lee, Smitherman, West and Saling

AN ACT Relating to business and industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.070, 31.24.080, 31.24.090, 31.24.120, 31.24.130, 31.24.140, 31.24.150, and 31.24.160; reenacting and amending RCW 42.17.310; adding new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; creating a new section; repealing RCW 31.24.050, 31.24.060, and 31.24.100; prescribing penalties; and making appropriations.

Referred to Committee on Economic Development and Labor.

SB 5205 by Senators Anderson, McMullen, Lee, Smitherman and Barr

AN ACT Relating to a linked deposit program for investment by the state; and adding new sections to chapter 43.84 RCW.

Referred to Committee on Economic Development and Labor.

SB 5206 by Senators Gaspard and McDonald

AN ACT Relating to the economic and revenue forecast council; amending RCW 82.01.130, 41.06.087, and 43.88.020; reenacting and amending RCW 82.01.120; creating new sections; recodifying RCW 82.01.120, 82.01.125, 82.01.130, and 82.01.135; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5207 by Senators Bailey, Kreidler, Craswell, Conner and Smith

AN ACT Relating to adoption; amending RCW 26.33.330 and 26.33.340; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Children and Family Services.

SB 5208 by Senators Nelson and Talmadge

AN ACT Relating to condominiums; reenacting and amending RCW 58.17.040; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5209 by Senators Rasmussen, Saling, Johnson and Patterson

AN ACT Relating to special license plates; and amending RCW 73.04.115.

Referred to Committee on Transportation.

SB 5210 by Senators Metcalf and Sutherland (by request of Department of Ecology)

AN ACT Relating to local government roles in hazardous waste siting; and amending RCW 70.105.225.

Referred to Committee on Environment and Natural Resources.

SB 5211 by Senators Metcalf and Rasmussen (by request of Department of Ecology and Washington State Patrol)

AN ACT Relating to the containment of waste materials; and amending RCW 46.61.655.

Referred to Committee on Environment and Natural Resources.

SB 5212 by Senators Moore, Lee and Rasmussen

AN ACT Relating to personalized blood transfusions; and amending RCW 70.54.120.

Referred to Committee on Health Care and Corrections.

SB 5213 by Senators Pullen, Moore, Madsen, Nelson, McCaslin, Bluechel, Thorsness and Newhouse

AN ACT Relating to statutes of limitation; and amending RCW 4.16.040 and 4.16.080.

Referred to Committee on Law and Justice.

SB 5214 by Senator Smith

AN ACT Relating to abuse and neglect reporting; and reenacting and amending RCW 26.44.030.

Referred to Committee on Children and Family Services.

SB 5215 by Senators Saling, Bauer, West, Smitherman, Lee, Fleming and Rinehart (by request of Governor)

AN ACT Relating to the state needs grant program; and amending RCW 28B.10.802, 28B.10.806, and 28B.10.808.

Referred to Committee on Higher Education.

SB 5216 by Senators Saling, Bauer, Bailey, Smitherman, West, Stratton, Lee and Vognil (by request of Governor Gardner)

AN ACT Relating to the future teacher conditional scholarship program; and amending RCW 28B.102.020 and 28B.102.060.

Referred to Committee on Higher Education.

SB 5217 by Senators Saling, Bauer and Lee

AN ACT Relating to the state higher education code; and amending RCW 28B.80.360.

Referred to Committee on Higher Education.

SB 5218 by Senators Saling, Bauer, Bailey and Bluechel

AN ACT Relating to the issuance of bonds by the state finance committee; and amending RCW 39.42.030, 39.42.060, and 28B.106.020.

Referred to Committee on Higher Education.

SB 5219 by Senators Saling, Bauer, Bailey, West, Rasmussen and Rinehart

AN ACT Relating to college savings bonds; and amending RCW 28B.106.020.

Referred to Committee on Higher Education.

SB 5220 by Senators Saling, Bauer, Bailey, Stratton, Lee and Smitherman

AN ACT Relating to the community college exceptional faculty award program; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 5221 by Senators Saling, Bauer, Patterson, Rinehart, Smitherman, Bailey, Lee, West and Warnke

AN ACT Relating to the advance college payment program; amending RCW 28B.80.360; adding a new section to chapter 21.20 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5222 by Senators Saling, Gaspard, Smitherman, Patterson, Bauer, Stratton, Lee and West

AN ACT Relating to the loan program for mathematics and science teachers; and repealing RCW 28B.15.766.

Referred to Committee on Higher Education.

SB 5223 by Senators Saling, Bauer, Patterson, Stratton and Smitherman

AN ACT Relating to higher education costs; reenacting and amending RCW 28B.15.070; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 5224 by Senators Saling, Bauer, Bailey, Stratton, Smitherman, West and Gaspard

AN ACT Relating to Washington scholars program; amending RCW 28A.58.822 and 28B.15.543; adding new sections to chapter 28B.15 RCW; repealing RCW 28B.80.245 and 28B.80.246; repealing section 3, chapter 210, Laws of 1988 (uncodified); and making an appropriation.

Referred to Committee on Higher Education.

SB 5225 by Senators Saling, Stratton, Bauer, Patterson, Lee and West

AN ACT Relating to the Spokane intercollegiate research and technology institute; amending RCW 28B.25.020; adding a new section to chapter 28B.10 RCW; and making appropriations.

Referred to Committee on Higher Education.

SB 5226 by Senators Saling, Bauer, Patterson and Stratton

AN ACT Relating to the graduate teacher fellowship program; amending RCW 28B.80.360; adding new sections to chapter 28B.15 RCW; providing an expiration date; and making an appropriation.

Referred to Committee on Higher Education.

SB 5227 by Senators Saling, Bauer, Patterson, Stratton, Smitherman, Williams, Lee and Hansen

AN ACT Relating to excellence in higher education; adding a new chapter to Title 28B RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5228 by Senators Saling, Moore, Bauer, Smitherman, Stratton, Smith, Anderson, Pullen, Talmadge and Rinehart

AN ACT Relating to services and activities fees; and amending RCW 28B.15.045.

Referred to Committee on Higher Education.

SB 5229 by Senators Saling, Bauer, Anderson, Patterson and Stratton

AN ACT Relating to state college and university governance; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Higher Education.

SB 5230 by Senators Saling, Bauer, Stratton, Patterson, Smitherman, Bailey, Smith, Bluechel, Benitz, Sutherland and Gaspard

AN ACT Relating to branch campuses of the University of Washington and Washington State University; amending RCW 28B.15.202, 28B.20.010, 28B.20.130, 28B.30.010, 28B.30.150, and 28B.80.350; creating new sections; repealing RCW 28B.30.510; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5231 by Senators Pullen, Madsen and Metcalf

AN ACT Relating to antique firearms; and amending RCW 9A.1.150.

Referred to Committee on Law and Justice.

SB 5232 by Senators Bender, McMullen and Lee

AN ACT Relating to international capital projects; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5233 by Senators Pullen, Madsen, Rasmussen and Niemi

AN ACT Relating to burglary; amending RCW 9A.52.030; reenacting and amending RCW 9A.94A.320; adding a new section to chapter 9A.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5234 by Senators Pullen, Talmadge, Madsen, Rasmussen, Sutherland and Gaspard (by request of Washington State Patrol)

AN ACT Relating to child and adult abuse information; and amending RCW 43.43-830, 43.43.832, 43.43.834, and 43.43.838.

Referred to Committee on Law and Justice.

SB 5235 by Senators Pullen, Talmadge and Madsen

AN ACT Relating to criminal justice; creating a new section; adding new sections to chapter 10.98 RCW; and making an appropriation.

Referred to Committee on Law and Justice.

SB 5236 by Senators Metcalf and Rasmussen

AN ACT Relating to trespass of dogs; adding a new section to chapter 16.08 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5237 by Senators Owen, Metcalf, Benitz and Rasmussen

AN ACT Relating to the hound stamp; amending RCW 77.08.045 and 77.32.350; adding new sections to chapter 77.12 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5238 by Senators Metcalf, Owen, Benitz and Rasmussen

AN ACT Relating to wildlife management; and amending RCW 77.12.240.

Referred to Committee on Environment and Natural Resources.

SB 5239 by Senators Smitherman, Lee, West and Bender (by request of Department of Labor and Industries)

AN ACT Relating to the establishment of the public works administration account; amending RCW 39.12.070; adding a new section to chapter 39.12 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5240 by Senators Lee and McMullen

AN ACT Relating to adult literacy; adding a new chapter to Title 43 RCW; adding a new section to chapter 28B.50 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5241 by Senators Anderson, Lee, Saling, McMullen and West

AN ACT Relating to local development; adding a new section to chapter 42.17 RCW; adding new sections to chapter 43.63A RCW; and adding a new section to chapter 43.170 RCW.

Referred to Committee on Economic Development and Labor.

SB 5242 by Senators Lee, Smitherman, McMullen, West and Benitz

AN ACT Relating to economic diversification in the Tri-Cities region; and amending section 14, chapter 42, Laws of 1988 (uncodified).

Referred to Committee on Economic Development and Labor.

SB 5243 by Senator Lee

AN ACT Relating to property impacted by aircraft noise; and amending RCW 53.54.030.

Referred to Committee on Governmental Operations.

SB 5244 by Senators Lee, Smitherman, McMullen and Murray

AN ACT Relating to mobile home park rental agreements; amending RCW 59.20.060; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Economic Development and Labor.

SB 5245 by Senator Lee

AN ACT Relating to providing funds for the housing trust fund; and amending RCW 46.20.161 and 46.68.041.

Referred to Committee on Economic Development and Labor.

SB 5246 by Senators Pullen, Newhouse and Madsen



AN ACT Relating to deeds of trust; and amending RCW 61.24.040.

Referred to Committee on Law and Justice.

SB 5247 by Senators Bailey, Rinehart, Murray, Lee, Barr, Gaspard, Bauer and Fleming

AN ACT Relating to professional enhancement programs for teachers; amending RCW 28A.41.112, 28A.58.0951, 84.52.0531, and 28A.67.240; reenacting and amending RCW 28A.67.070; adding new sections to chapter 28A.67 RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5248 by Senators Bailey, Rinehart, Anderson, Metcalf, Lee, Murray, Craswell, Fleming, Gaspard, Bauer, Wojahn, Nelson, Saling, Sutherland, Rasmussen, Vognild and McMullen

AN ACT Relating to controlled substances on or near schools or school buses; amending RCW 28A.120.040; adding a new section to chapter 69.50 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5249 by Senators Bailey, Rinehart, Lee, Gaspard, Murray, Bauer and Fleming

AN ACT Relating to prevention and intervention services for elementary students; adding new sections to chapter 28A.120 RCW; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 5250 by Senators Sutherland and Amondson

AN ACT Relating to surface mining; and amending RCW 78.44.140.

Referred to Committee on Environment and Natural Resources.

SB 5251 by Senators McCaslin, Barr and Rasmussen

AN ACT Relating to payment of motor vehicle excise tax; amending RCW 82.44.060; and providing an effective date.

Referred to Committee on Transportation.

SB 5252 by Senators McCaslin and DeJarnatt

AN ACT Relating to unfit buildings, dwellings, structures, and premises; and amending RCW 35.80.010, 35.80.020, and 35.80.030.

Referred to Committee on Governmental Operations.

SB 5253 by Senators Metcalf, Saling, Stratton and West

AN ACT Relating to protection of ground water aquifers; and amending RCW 90.54.140.

Referred to Committee on Environment and Natural Resources.

SB 5254 by Senators Talmadge, Vognild, Bauer, Niemi and Fleming

AN ACT Relating to child care; amending RCW 28A.34.010, 28A.34.020, 28A.34.150, 74.15.020, 28A.58.441, 84.52.053, and 84.55.070; adding new sections to chapter 28A.34 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 5255 by Senators Metcalf and Rasmussen

AN ACT Relating to motor vehicle warranties; and amending RCW 19.118.021.

Referred to Committee on Economic Development and Labor.

SB 5256 by Senators Owen, Metcalf, Kreidler, DeJarnatt, Barr, Sutherland and Rasmussen

AN ACT Relating to recreational fishing licenses; amending RCW 75.25.100; adding new sections to chapter 77.12 RCW; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 5257 by Senators Warnke, Lee, Smitherman and Fleming

AN ACT Relating to the housing trust fund; amending RCW 67.70.040, 67.70.190, and 67.70.240; adding a new section to chapter 43.185 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5258 by Senators Lee, McMullen and Smitherman

AN ACT Relating to housing assistance for persons displaced by development; and amending RCW 43.185.050 and 43.185.070.

Referred to Committee on Economic Development and Labor.

SJM 8001 by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland, Amondson and McMullen

Requesting that sanctions be brought against foreign nations which harvest Washington state salmon.

Referred to Committee on Environment and Natural Resources.

SJR 8202 by Senators Pullen, Talmadge, McCaslin, Thorsness, Rasmussen and Benitz

Amending the Constitution to change provisions relating to the commission on judicial conduct.

Referred to Committee on Law and Justice.

SJR 8203 by Senators Metcalf, Vognild, Bauer, Wojahn and Barr

Amending the Constitution to repeal the commission on judicial conduct.

Referred to Committee on Law and Justice.

#### MOTIONS

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

Senator Newhouse moved that the Committee on Governmental Operations be relieved of further consideration of Gubernatorial Appointment No. 9018, Mary Faulk, as Director of the Department of Licensing, and that Gubernatorial Appointment No. 9018 be referred to the Committee on Transportation.

#### POINT OF INQUIRY

Senator Vognild: "Senator Newhouse, you caught us by surprise on this. Could you tell us who this is and what the purpose of the move was?"

Senator Newhouse: "It has to do with--"

#### REMARKS BY SENATOR PATTERSON

Senator Patterson: "Thank you, Mr. President. To respond to Senator Vognild's question, this is the confirmation of the appointment of the Director of Licensing. The Transportation Committee has handled the Department of Licensing funding and all of their legislation for a number of years and that's the reason we asked that we have the confirmation on the director."

Senator Vognild: "Thank you, Senator Patterson. I appreciate the explanation and I have no objection."

The President declared the question before the Senate to be the motion by Senator Newhouse that the Committee on Governmental Operations be relieved of further consideration of Gubernatorial Appointment No. 9018 and that Gubernatorial Appointment No. 9018 be referred to the Committee on Transportation.

The motion by Senator Newhouse carried and the Committee on Governmental Operations was relieved of further consideration of Gubernatorial Appointment No. 9018 and Gubernatorial Appointment No. 9018 was referred to the Committee on Transportation.

#### MOTIONS

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5108.

On motion of Senator Newhouse, Senate Bill No. 5108 was referred to the Committee on Children and Family Services.

MOTION

At 10:17 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 20, 1989.

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

## TWELFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 20, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, McMullen, Pullen, Rinehart and von Reichbauer. On motion of Senator Anderson, Senators Pullen and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lwann Shippentower and Joe Walker, presented the Colors. Reverend Jon Hagebusch, senior associate of the Evergreen Christian Center of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 18, 1989

SB 5004 Prime Sponsor, Senator West: Establishing the joint Washington-Oregon office of Asian affairs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5004 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 18, 1989

SB 5005 Prime Sponsor, Senator West: Establishing the joint Washington-Oregon office of state-federal relations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5005 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, West, Williams.

Referred to Committee on Ways and Means.

January 18, 1989

SB 5007 Prime Sponsor, Senator Lee: Establishing the international marketing internship program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5007 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, West.

Referred to Committee on Ways and Means.

January 18, 1989

SB 5040 Prime Sponsor, Senator Pullen: Changing the elements of the crime of introducing contraband in the first degree. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 18, 1989

SB 5064 Prime Sponsor, Senator Smith: Requiring licensing of salmon guides. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 18, 1989

SB 5094 Prime Sponsor, Senator West: Providing for state registration of beer kegs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 19, 1989

SB 5112 Prime Sponsor, Senator Pullen: Changing provisions relating to criminal justice services and the crime laboratory system. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 19, 1989

SB 5231 Prime Sponsor, Senator Pullen: Defining "antique firearms." Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

January 19, 1989

SB 5246 Prime Sponsor, Senator Pullen: Foreclosing on deeds of trust. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 18, 1989

SJR 8200 Prime Sponsor, Senator Pullen: Amending the state Constitution to provide for rights of crime victims. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504

January 17, 1989

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

Dear Mr. Golob:

Enclosed is our Risk Assessment Legislative Report as required by Chapter 503 Laws of 1987. If you have any questions about the report, please contact me.

Sincerely,  
RICHARD J. THOMPSON  
Acting Secretary

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul W. Skinner, appointed January 17, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for the University of Washington.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 5259 by Senators Talmadge, Lee and Moore

AN ACT Relating to airports operated by port districts; amending RCW 47.01.071; adding new sections to chapter 53.08 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5260 by Senators Talmadge and Murray

AN ACT Relating to elections of school district directors; adding a new section to chapter 28A.57 RCW; and creating a new section.

Referred to Committee on Education.

SB 5261 by Senators Saling, Rasmussen, Bailey, Gaspard, Rinehart, Wojahn, Conner, Nelson, von Reichbauer, Benitz, Kreidler, Moore, Bauer, Murray, Talmadge, Stratton, Anderson and Vognild

AN ACT Relating to the teachers' retirement system; adding a new section to chapter 41.32 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5262 by Senators Craswell, Bailey, Owen, Anderson, Rasmussen, McCaslin, von Reichbauer, Benitz, Amondson, Stratton, Lee, Metcalf, Conner, Pullen, Smith and Patterson

AN ACT Relating to private schools; amending RCW 28A.02.230; reenacting and amending RCW 28A.02.201; and adding a new section to chapter 28A.01 RCW.

Referred to Committee on Education.

SB 5263 by Senators Warnke, West, McMullen, Bender, Pullen, Bauer, Smitherman and Metcalf

AN ACT Relating to arbitration for unilaterally implemented proposals; and amending RCW 41.56.100.

Referred to Committee on Economic Development and Labor.

SB 5264 by Senators Rasmussen and Metcalf

AN ACT Relating to the prevention of food fish and shellfish pests; and amending RCW 75.08.285.

Referred to Committee on Environment and Natural Resources.

SB 5265 by Senators Rasmussen and Metcalf

AN ACT Relating to the regulation of charter boats; adding a new chapter to Title 91 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5266 by Senators Gaspard, Bailey, Rinehart, Lee, Fleming, Johnson, Anderson, Kreidler, Benitz, Talmadge and Bauer

AN ACT Relating to education; providing baccalaureate and masters degree equivalencies for certification of vocational instructors; and amending RCW 28A.70.040, 28A.70.042, and 28A.70.005.

Referred to Committee on Education.

SB 5267 by Senators Talmadge, McCaslin and Moore

AN ACT Relating to graffiti; amending RCW 4.24.190; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5268 by Senators Benitz, Saling, Hayner, Warnke, Owen, Smith, Smitherman, Amondson, Stratton, Matson, Nelson, Craswell, Sellar, Sutherland, Madsen, Johnson and von Reichbauer

AN ACT Relating to low-level radioactive waste surcharges; and amending RCW 43.200.170.

Referred to Committee on Energy and Utilities.

SB 5269 by Senators Bailey, Rinehart, Anderson, Johnson, Barr, Murray, Metcalf, Craswell, Lee, Hansen, Gaspard, Newhouse, Bender, Fleming, Bauer, Thorsness, Benitz, Smith, Vognild, Stratton, Nelson, Rasmussen, Kreidler, Wojahn, DeJarnatt, Madsen, Talmadge, Saling, McMullen and Sutherland

AN ACT Relating to technological and vocational education; amending RCW 28A.67.115; adding a new chapter to Title 28A RCW; adding new sections to chapter 28A.41 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.80 RCW; creating a new section; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5270 by Senators Hayner, Madsen, McCaslin, Benitz, Saling, Bauer, Rasmussen, Barr, Anderson, Newhouse, Vognild, Smith, Matson and Gaspard (by request of Attorney General)

AN ACT Relating to drug testing for persons arrested for violent crimes; adding a new chapter to Title 10 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5271 by Senators Pullen, Madsen, Hayner, McCaslin, Benitz, Saling, Nelson, Bauer, Lee, Barr, Anderson, Newhouse, Smith and Matson (by request of Attorney General)

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

Referred to Committee on Law and Justice.

SB 5272 by Senators McCaslin and DeJarnatt (by request of Governor Gardner)

AN ACT Relating to local government service agreements; adding a new chapter to Title 36 RCW; adding a new section to chapter 36.93 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SB 5273 by Senators McCaslin, DeJarnatt and Moore (by request of Governor Gardner)

AN ACT Relating to provision of a process to alter local governments; amending RCW 29.30.101; adding a new chapter to Title 36 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SB 5274 by Senators Lee and Talmadge

AN ACT Relating to high voltage electric and magnetic fields; adding new sections to chapter 70.54 RCW; creating new sections; prescribing penalties; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5275 by Senators Lee and Talmadge

AN ACT Relating to high voltage electric and magnetic fields; adding a new section to chapter 70.54 RCW; creating new sections; prescribing penalties; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5276 by Senators Barr, Smith, Hansen, and Benitz

AN ACT Relating to recreational horse trailers; and amending RCW 46.20.440.

Referred to Committee on Transportation.

SB 5277 by Senators McCaslin, DeJarnatt and Kreidler

AN ACT Relating to fire protection district service charges; and amending RCW 52.18.050.

Referred to Committee on Governmental Operations.

SB 5278 by Senators Madsen and Talmadge

AN ACT Relating to sentences involving terms of confinement; amending RCW 9.94A.190; and 70.48.400; reenacting and amending RCW 9.94A.120; creating a new section; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 5279 by Senator Madsen

AN ACT Relating to underground facilities; amending RCW 19.122.030; and adding a new section to chapter 19.122 RCW.

Referred to Committee on Energy and Utilities.

SB 5280 by Senators Kreidler, McCaslin, Gaspard, Newhouse and Vognild

AN ACT Relating to underground petroleum storage tanks; adding a new chapter to Title 70 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5281 by Senators Kreidler, McCaslin, Gaspard, Newhouse and Vognild

AN ACT Relating to underground storage tanks; amending RCW 19.27.080; adding a new chapter to Title 90 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.



SB 5282 by Senators Saling and Metcalf

AN ACT Relating to public water supply systems; and amending RCW 70.142.010 and 57.08.012.

Referred to Committee on Environment and Natural Resources.

SB 5283 by Senators Saling and Stratton

AN ACT Relating to controlled substances; amending RCW 69.50.406; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5284 by Senators Owen, Bender, Conner, Saling and Rasmussen

AN ACT Relating to Pearl Harbor survivor plates; and amending RCW 46.16.625.

Referred to Committee on Transportation.

SB 5285 by Senators Owen, McCaslin and Kreidler

AN ACT Relating to the foreclosure of tax liens; and amending RCW 84.64.460.

Referred to Committee on Law and Justice.

SB 5286 by Senator Saling

AN ACT Relating to easements for electrical transmission lines; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Energy and Utilities.

SB 5287 by Senators Rinehart, Lee, Williams, Smitherman, Anderson and Rasmussen (by request of Attorney General)

AN ACT Relating to motor vehicle warranties; amending RCW 19.118.021, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.100, 19.118.110, 19.118.150, and 19.118.160; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5288 by Senators Metcalf, Vognild, Craswell, Benitz, Barr and Amondson

AN ACT Relating to aquaculturists and the production of salmon; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5289 by Senators Metcalf, DeJarnatt, Barr, Benitz and Anderson

AN ACT Relating to fisheries enhancement; adding a new chapter to Title 75 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5290 by Senators Metcalf, DeJarnatt, Benitz, Rasmussen, Barr and Gaspard

AN ACT Relating to salmon enhancement; amending RCW 75.48.120; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 5291 by Senators Metcalf, Barr, Benitz and Rasmussen

AN ACT Relating to open meetings; and amending RCW 39.34.030.

Referred to Committee on Governmental Operations.

SB 5292 by Senators Metcalf, DeJarnatt and Benitz

AN ACT Relating to a salmon identification program; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5293 by Senator Conner

AN ACT Relating to higher education; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SB 5294 by Senators Newhouse, Moore, Warnke, Hayner, Saling, Owen, Sellar, Stratton, Amondson, Bauer, Matson, Benitz, Smitherman, Smith, Craswell, Nelson, Madsen, Conner, Hansen, Patterson, Bluechel, Johnson, Vognild, von Reichbauer and Lee

AN ACT Relating to low-level waste business and occupation tax rates; amending RCW 82.04.260; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5295 by Senator Moore

AN ACT Relating to public depositaries; and amending RCW 39.58.010.

Referred to Committee on Financial Institutions and Insurance.

SB 5296 by Senators Madsen and Barr

AN ACT Relating to county recording fees; and amending RCW 36.18.010.

Referred to Committee on Governmental Operations.

SB 5297 by Senators DeJarnatt and McCaslin

AN ACT Relating to the use of secret ballots at meetings required to be open to the public; and amending RCW 42.30.060.

Referred to Committee on Governmental Operations.

SB 5298 by Senators Craswell and Bauer

AN ACT Relating to qualifications for persons assessing real property; and amending RCW 36.21.015.

Referred to Committee on Governmental Operations.

SB 5299 by Senators Thorsness, DeJarnatt, Rasmussen and Smith (by request of Secretary of State)

AN ACT Relating to voter assistance; and amending RCW 29.51.200.

Referred to Committee on Governmental Operations.

SB 5300 by Senators Lee, Smitherman, Murray, West, Anderson, Johnson and Williams, Rasmussen and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to women and minority races in apprenticeship; amending RCW 49.04.100, 49.04.110, 49.04.120, and 49.04.130; and amending section 1, chapter 183, Laws of 1969 ex. sess. (uncodified).

Referred to Committee on Economic Development and Labor.

SB 5301 by Senators Williams, Lee and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to codes for factory built housing; and amending RCW 43.22.480.

Referred to Committee on Economic Development and Labor.

SB 5302 by Senators Lee, Smitherman and Anderson (by request of Director of Department of Labor and Industries)

AN ACT Relating to requirements for workers' compensation employer group participation in the retrospective rating program; and amending RCW 51.16.035.

Referred to Committee on Economic Development and Labor.

SB 5303 by Senators Smitherman and Murray (by request of Department of Labor and Industries)

AN ACT Relating to vocational rehabilitation; and amending RCW 51.32.095 and 51.32.097.

Referred to Committee on Economic Development and Labor.

SB 5304 by Senators Smitherman and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to industrial welfare; amending RCW 49.12.170; adding new sections to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 5305 by Senators Madsen, Metcalf, Hansen, McDonald, Benitz, Warnke, Matson, Pullen, Amondson, West and Newhouse

AN ACT Relating to liability for injuries or death while engaged in equine activities; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

SB 5306 by Senators Metcalf and Owen

AN ACT Relating to the sale of salmon eggs and carcasses by state agencies; and amending RCW 75.08.255, 75.08.230, and 75.08.245.

Referred to Committee on Environment and Natural Resources.

SB 5307 by Senators Anderson, McMullen and Moore

AN ACT Relating to contractor advertising; and amending RCW 18.27.100.

Referred to Committee on Economic Development and Labor.

SB 5308 by Senators Pullen and Madsen

AN ACT Relating to criminal procedure; amending RCW 7.36.130; adding new sections to chapter 10.73 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 5309 by Senators Bailey, Rinehart, Murray, Anderson, Gaspard, Barr, Bender, Lee and Fleming

AN ACT Relating to redesignating first and second class school districts to large and small school districts; and amending RCW 28A.21.140, 28A.57.050, 28A.57.140, 28A.57.150, 28A.57.312, 28A.57.313, 28A.57.324, 28A.57.328, 28A.57.336, 28A.57.342, 28A.57.344, 28A.57.355, 28A.57.356, 28A.57.357, 28A.57.358, 28A.57.425, 28A.57.435, 28A.59.180, 28A.59.185, 28A.60.010, 28A.60.070, 28A.60.181, 28A.60.200, 28A.60.320, 28A.60.328, 28A.60.350, 28A.65.420, 28A.65.425, 28A.65.430, 28A.65.480, 28A.65.485, 28A.66.010, 28A.66.020, 28A.66.040, 28A.66.080, 28A.100.082, 29.13.060, 29.13.060, 29.21.180, 29.21.200, 29.21.210, 42.23.030, 53.36.020, and 84.52.020.

Referred to Committee on Education.

SB 5310 by Senators Bailey, Rinehart, Gaspard, Bender, Murray and Fleming

AN ACT Relating to drop-out prevention; and amending RCW 28A.120.062.

Referred to Committee on Education.

SB 5311 by Senators Bailey, Rinehart, Gaspard, Barr, Bender, Lee and Fleming

AN ACT Relating to curriculum guidelines; and amending RCW 28A.03.425.

Referred to Committee on Education.

SB 5312 by Senators Bailey, Metcalf, Rinehart and Lee

AN ACT Relating to education; affecting grade level certification; amending RCW 28A.70.040; and adding a new section to chapter 28A.70 RCW.

Referred to Committee on Education.

SB 5313 by Senators Bailey, Rinehart, Anderson, Lee, Murray, Fleming and Bauer

AN ACT Relating to reporting child abuse by professional school personnel; and reenacting and amending RCW 26.44.030.

Referred to Committee on Education.

SB 5314 by Senators Bailey, Craswell, Thorsness, Lee, Anderson, Nelson, Benitz, Bauer, Rasmussen and Smith

AN ACT Relating to persons working at public schools; amending RCW 28A.70.160 and 28A.70.180; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 5315 by Senators Bender, Conner, DeJarnatt, Talmadge, Owen, Metcalf, Vognild, Murray, Bauer, Niemi, Kreidler, McMullen and Sutherland

AN ACT Relating to oil spills and the transfer and safety of petroleum products across the marine waters of the state of Washington; adding a new chapter to Title 88 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5316 by Senators Fleming, Bailey, Talmadge, Gaspard, Kreidler, Warnke, Rinehart, Vognild, Bauer, DeJarnatt, Niemi and Stratton

AN ACT Relating to a program for academic excellence for at-risk youth; adding a new chapter to Title 28A RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 5317 by Senators McCaslin and DeJarnatt

AN ACT Relating to public records disclosure; and amending RCW 42.17.260.

Referred to Committee on Law and Justice.

SB 5318 by Senators Murray, Bailey, Rinehart and Gaspard

AN ACT Relating to annual meetings among governing bodies of the state's education system; adding a new section to chapter 28A.02 RCW; and creating a new section.

Referred to Committee on Education.

SB 5319 by Senators West, McMullen, Smitherman, DeJarnatt, Benitz, Fleming and Niemi

AN ACT Relating to the use of drugs or autotransfusion to enhance athletic ability; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.72 RCW; and prescribing penalties.

Referred to Committee on Health Care and Corrections.

SB 5320 by Senators West, Smith, Lee, Amondson and Newhouse

AN ACT Relating to developing a regimented inmate discipline program; amending RCW 72.02.200; reenacting and amending RCW 9.94A.120; adding a new chapter to Title 72 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Health Care and Corrections.

SB 5321 by Senators West, Smith, Newhouse and Matson

AN ACT Relating to prison sentences; amending RCW 9.94A.190 and 70.48.400; creating a new section; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5322 by Senators West, Rasmussen and Patterson

AN ACT Relating to special license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5323 by Senators West, Patterson, McCaslin, Benitz and Barr

AN ACT Relating to trucking; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 5324 by Senators Metcalf, Owen, Sutherland, Johnson, Kreidler, DeJarnatt, Bluechel, Sellar, Saling, Bailey, Gaspard and Lee (by request of Governor Gardner)

AN ACT Relating to the interagency committee for outdoor recreation; amending RCW 43.99.010, 43.99.020, 43.99.130, 43.99.142, 43.99.146, and 67.32.050; adding a new section to chapter 43.99 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 5325 by Senators Lee, Johnson and Sellar (by request of Governor Gardner)

AN ACT Relating to the Washington employment futures act; amending RCW 50.04-.075; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW; adding new sections to chapter 43.13 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5326 by Senators Nelson, Rasmussen, Bender, Vognild, Sutherland and Hansen (by request of Governor Gardner)

AN ACT Relating to the membership of the transportation board; and amending RCW 47.26.121.

Referred to Committee on Transportation.

SB 5327 by Senators Patterson, Craswell, Metcalf, Vognild and McMullen (by request of Governor Gardner)

AN ACT Relating to motor vehicle excise tax; and amending RCW 82.44.020.

Referred to Committee on Transportation.

SB 5328 by Senators Bluechel, Lee, Smitherman and Warnke (by request of Director of Department of Trade and Economic Development)

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.060.

Referred to Committee on Economic Development and Labor.

SB 5329 by Senators Lee, Warnke, Matson and Smitherman (by request of Department of Licensing)

AN ACT Relating to business license fees; and amending RCW 19.02.085.

Referred to Committee on Economic Development and Labor.

SB 5330 by Senators Pullen, Rasmussen, Benitz, Conner, Bender, McMullen, Fleming, Hansen, Stratton, Kreidler, Gaspard, Wojahn, Vognild, Bauer, DeJarnatt, Williams, Smitherman, Barr and Sutherland (by request of Governor Gardner)

AN ACT Relating to community mobilization against substance abuse; creating a new chapter in Title 43 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5331 by Senators McCaslin, DeJarnatt, Nelson and Johnson (by request of Governor Gardner)

AN ACT Relating to personnel administration; and amending RCW 41.06.070 and 41.06.430.

Referred to Committee on Governmental Operations.

SB 5332 by Senators Pullen, Rasmussen, McCaslin, Thorsness, Smitherman, Benitz, Conner, Saling, Bender, Bauer, Vognild, West, Stratton, Smith, Bailey, Hansen, Owen, Kreidler, Gaspard, Wojahn, Warnke, DeJarnatt, Nelson, Lee, Newhouse, Sutherland and Matson (by request of Governor Gardner)

AN ACT Relating to the forfeiture of real property for violations involving controlled substances; adding new sections to chapter 69.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5333 by Senators Pullen, Rasmussen, McCaslin, Conner, Thorsness, Benitz, Saling, Bender, West, Bailey, Hansen, Owen, Stratton, McMullen, Kreidler, Gaspard, Warnke, Bauer and Sutherland (by request of Governor Gardner)

AN ACT Relating to the identification, cleanup, storage, and disposal of chemicals and other hazardous materials located at illegal drug manufacturing sites; adding a new section to chapter 69.50 RCW; creating a new section; and making an appropriation.

Referred to Committee on Law and Justice.

**SB 5334** by Senators Nelson, Rasmussen, Pullen, McCaslin, Thorsness, Bender, Hansen, West, Stratton, Smith, Madsen, Owen, McMullen, Gaspard, Warnke, Vognild, Bauer, Smitherman, Wojahn, Lee and Sutherland (by request of Governor Gardner)

AN ACT Relating to confinement terms for drug offenders; reenacting and amending RCW 9.94A.320; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

**SB 5335** by Senators Smitherman, McCaslin, Cantu and Rasmussen (by request of Governor Gardner)

AN ACT Relating to public motor vehicle operations; amending RCW 43.19.605, 43.19.620, 43.19.630, and 46.08.065; adding new sections to chapter 43.19 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

**SB 5336** by Senators Pullen, Sutherland, Newhouse, McCaslin, Talmadge, Thorsness, Nelson, Rasmussen, Benitz, Johnson, Lee, Vognild, Sellar, Metcalf, Bauer, Smith and West (by request of Governor Gardner and Attorney General)

AN ACT Relating to immunity from civil liability; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

**SB 5337** by Senators Thorsness, Rasmussen, McCaslin, Saling, Benitz, West, Bailey, Hansen, Madsen, Owen, DeJarnatt, Nelson, Lee, Barr, Sutherland, Smith and Gaspard (by request of Governor Gardner)

AN ACT Relating to admissibility of evidence obtained pursuant to interceptions or transmissions of conversations concerning illegal controlled substances without prior judicial approval; amending RCW 9.73.060 and 9.73.090; adding new sections to chapter 9.73 RCW; adding a new section to chapter 2.56 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

**SB 5338** by Senators Patterson, Bender, Bluechel and Nelson (by request of Governor Gardner)

AN ACT Relating to transportation taxes; amending RCW 82.36.025, 46.16.090, 46.44-.0941, 46.44.095, and 46.44.096; reenacting and amending RCW 46.16.070; adding a new section to chapter 46.44 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5339** by Senators Lee, Anderson, Smitherman, Johnson, McMullen, Bluechel, Sellar, Barr, Williams, Fleming and Sutherland (by request of Governor Gardner)

AN ACT Relating to the creation of the Washington economic development finance authority; amending RCW 42.17.2401; reenacting and amending RCW 42.17.310; and creating a new chapter in Title 43 RCW.

Referred to Committee on Economic Development and Labor.

**SB 5340** by Senators Warnke, Smitherman and Johnson

AN ACT Relating to depository checks; and amending RCW 18.44.070.

Referred to Committee on Financial Institutions and Insurance.

**SB 5341** by Senators Bailey, Bauer, Bender and Sutherland (by request of Governor Gardner)

AN ACT Relating to students at risk; amending RCW 28A.120.010, 28A.120.014, 28A.120.016, 28A.120.018, 28A.120.020, 28A.120.022, 28A.120.024, 28A.120.026, 28A.120.030, 28A.120.032, 28A.120.034, 28A.120.036, 28A.58.087, 28A.41.130, and 28A.02.061; adding new sections to chapter 28A.120 RCW; adding a new section to chapter 28A.41 RCW; creating new sections; and repealing RCW 28A.120.060, 28A.120.062, 28A.120.064, 28A.120.066, 28A.120.068, 28A.120.070, and 28A.120.072.

Referred to Committee on Education.

SB 5342 by Senators Bailey and Bender (by request of Governor Gardner)

AN ACT Relating to the governor's graduate teacher and principal fellowship program; amending RCW 28B.80.360; and adding a new chapter to Title 28B RCW.

Referred to Committee on Education.

SB 5343 by Senator Moore

AN ACT Relating to public depositaries; and amending RCW 39.58.010.

Referred to Committee on Financial Institutions and Insurance.

SB 5344 by Senator McCaslin

AN ACT Relating to improvement assessments; and amending RCW 35.49.020 and 36.88.140.

Referred to Committee on Governmental Operations.

SB 5345 by Senator McCaslin

AN ACT Relating to higher education transfer of credit; amending RCW 28B.80.280 and 28B.80.290; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SB 5346 by Senators Talmadge, Moore, Williams and Rinehart

AN ACT Relating to basic education allocation of funds; amending RCW 28A.41.140; and creating a new section.

Referred to Committee on Ways and Means.

SB 5347 by Senators Hayner, Newhouse, Madsen, Vognild and Warnke (by request of Administrator for the Courts)

AN ACT Relating to the judicial information system fund; and adding a new chapter to Title 2 RCW.

Referred to Committee on Law and Justice.

SB 5348 by Senator Owen

AN ACT Relating to the regulation of fishing; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5349 by Senators Craswell, Rasmussen, Smith, Stratton and Cantu

AN ACT Relating to dissolution of marriage; and amending RCW 26.09.030 and 26.09.020.

Referred to Committee on Law and Justice.

SB 5350 by Senators Newhouse, Talmadge and Madsen (by request of Administrator for the Courts)

AN ACT Relating to mental health commissioners; adding new sections to chapter 71.05 RCW; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Law and Justice.

SB 5351 by Senators Metcalf and Owen

AN ACT Relating to winter recreation activities of the state parks and recreation commission; and amending RCW 43.51.290 and 70.88.080.

Referred to Committee on Environment and Natural Resources.

SB 5352 by Senators McDonald, Gaspard and Rasmussen (by request of Governor Gardner)

AN ACT Relating to fiscal matters; adding new sections; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5353 by Senators Johnson, Pullen, Vognild, von Reichbauer, Matson, West, Warnke, Gaspard, Bailey, Moore, Rasmussen, Madsen, Wojahn, Nelson, Lee, Kreidler, Conner, Thorsness, Owen, Metcalf, Stratton, Smitherman, Williams, McMullen, McCaslin, Saling, Newhouse, Hansen, Anderson, Talmadge and Sutherland

AN ACT Relating to continued service credit for disabled law enforcement officers and fire fighters; amending RCW 41.26.470 and 41.26.520; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Governmental Operations.

SB 5354 by Senators McDonald, Bluechel, Rasmussen, McMullen and Anderson

AN ACT Relating to fiscal matters; amending RCW 82.01.125, 82.01.130, 82.01.135, 41.06.087, 43.88.030, and 43.88.120; and reenacting and amending RCW 82.01.120.

Referred to Committee on Ways and Means.

SB 5355 by Senators Benitz, Williams, Metcalf, Smitherman, Bluechel, Stratton, Johnson and Fleming

AN ACT Relating to cities of the first class that own and operate an electrical utility; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Energy and Utilities.

SB 5356 by Senators Smitherman and von Reichbauer

AN ACT Relating to the repair of waterfront sewer systems; and adding new sections to chapter 70.118 RCW.

Referred to Committee on Environment and Natural Resources.

SJM 8002 by Senators Metcalf, Sutherland and Benitz

Requesting a Western States Recycling Coalition.

Referred to Committee on Environment and Natural Resources.

SJR 8204 by Senators Rasmussen, Pullen, Conner, Bauer and Craswell

Ratifying an amendment to the United States Constitution on congressional pay raises.

Referred to to Committee on Law and Justice.

SJR 8205 by Senators McCaslin and DeJarnatt (by request of Governor Gardner)

Allowing the review and modification of local governments.

Referred to to Committee on Governmental Operations.

SJR 8206 by Senators Madsen, Wojahn, Lee and Moore

Amending the Constitution to allow the true and fair value of real property to be based on current use.

Referred to to Committee on Ways and Means.

SJR 8207 by Senators West and Stratton

Immunity for members of Washington guarantee association.

Referred to to Committee on Financial Institutions and Insurance.

#### MOTION

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



## MOTION

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

## SENATE RESOLUTION 1989-8610

by Senators Hayner, Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West, Rasmussen, Gaspard, Madsen, Wojahn, Stratton, Vognild, DeJarnatt, Williams and Murray

WHEREAS, On this day, George Herbert Walker Bush shall be inaugurated as the forty-first President of the United States of America; and

WHEREAS, The swearing in of George Bush marks the beginning of the third century of the American presidency; and

WHEREAS, George Bush has aptly stated the awesome responsibility vested by the American people in the office of their President: "A presidency can shape an era - and it can change our lives. A successful presidency can give meaning to an age."; and

WHEREAS, George Bush sought the presidency in order to build a better America and has pledged to "keep America moving forward - for a better America, for an endless enduring dream and a thousand points of light."; and

WHEREAS, While George Bush assumes the leadership of a nation on the rise, there remain those who have yet to taste the fruits of America's expansion, and the true measure of the Bush presidency shall be the extent to which America's successes touch and change the lives of the downtrodden and the disadvantaged;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby congratulate President George Bush and Vice President Dan Quayle and pray that God grant unto them the wisdom to compassionately and justly guide this nation into the coming decade with a renewed dedication to peace and freedom for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to President George Bush and Vice President Dan Quayle.

Senators Rasmussen and Newhouse spoke to Senate Resolution 1989-8610.

## MOTION

At 10:19 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:14 a.m. by President Pritchard.

## MOTION

At 11:15 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 23, 1989.

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

## FIFTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 23, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Julie Aldrich and Cory York, presented the Colors. Reverend Ben W. Harding, associate pastor of the United Churches of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 19, 1989

SB 5109 Prime Sponsor, Senator Pullen: Creating an additional court of appeals position. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

January 20, 1989

SB 5018 Prime Sponsor, Senator Newhouse: Revising provisions for cooperative associations. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5018 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

January 19, 1989

SB 5249 Prime Sponsor, Senator Bailey: Creating the fair start program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5249 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

## MESSAGE FROM THE SECRETARY OF STATE

January 20, 1989

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

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully transmit the certification of the sufficiency of Initiative to the Legislature 102, a copy of the full, true and complete text of which was certified to you on January 9, 1989.

Sincerely,  
RALPH MUNRO  
Secretary of State

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 102

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79-.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 102 to be examined in the following manner:

1) It was determined that 217,143 signatures were submitted by the sponsors of the Initiative. A random sample of 21,733 signatures was taken from those submitted;

2) Each sampled signature was examined to determine if the signer was a registered voter of the state at the address indicated on the petition, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 18,678 valid signatures, 2,971 signatures invalid due to non-registration or improper form, and 84 pairs of duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (82) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (30,504) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

5) We determined the maximum allowable number of pairs of signatures on the petition (20,392) by subtracting the sum of 110% of the number of signatures required by Article II, section 1 of the Washington State Constitution (166,247) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected number of pairs of signatures in the sample (204) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (180) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 102 to be sufficient.

IN WITNESS WHEREOF, I have hearunto  
set my my hand and affixed the seal of the  
state of Washington, this twentieth day of Janu-  
ary, 1989.

(Seal)

RALPH MUNRO, Secretary of State

## MESSAGE FROM THE HOUSE

January 20, 1989

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5357 by Senators von Reichbauer, Moore, Rasmussen, Matson and Johnson (by request of Insurance Commissioner)

AN ACT Relating to insurance education providers; amending RCW 48.17.560; adding new sections to chapter 48.17 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5358 by Senators Smith, Kreidler, Johnson, Niemi, Vognild and Amondson

AN ACT Relating to practice rights for chiropractors; amending RCW 18.25.005; and adding a new section to chapter 18.25 RCW.

Referred to Committee on Health Care and Corrections.

SB 5359 by Senators Sellar, Vognild, Warnke, Bauer, Benitz and Sutherland

AN ACT Relating to public employment relations commission jurisdiction; and amending RCW 41.56.020.

Referred to Committee on Governmental Operations.

SB 5360 by Senators Bender, Rasmussen, Kreidler, Bauer, Vognild, Warnke and Thorsness

AN ACT Relating to college and university fees; and amending RCW 28B.15.380, 28B.15.385, 28B.15.520, 28B.35.361, and 28B.40.361.

Referred to Committee on Higher Education.

SB 5361 by Senators Bender, Rasmussen, Bauer, Warnke and Thorsness

AN ACT Relating to property taxation; and amending RCW 84.36.381.

Referred to Committee on Ways and Means.

SB 5362 by Senators West, Talmadge, Niemi, Smith, Johnson, Kreidler, Wojahn and Anderson

AN ACT Relating to administration of antipsychotic medications; and amending RCW 71.05.010, 71.05.020, 71.05.120, 71.05.130, 71.05.200, 71.05.210, 71.05.250, and 71.05.370.

Referred to Committee on Health Care and Corrections.

SB 5363 by Senators Newhouse, Moore and Matson

AN ACT Relating to tax administration and procedure; amending RCW 82.03.180, 82.03.190, 82.32.050, 82.32.060, 82.32.100, 82.32.160, 82.32.180, 82.36.040, 82.48.090, 82.50.170, 84.24.070, 84.68.020, 84.68.030, 84.68.050, 84.68.060, 84.68.070, 84.68.140, 84.69.020, 84.69.030, 84.69.100, 84.69.120, and 84.69.140; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5364 by Senators Metcalf, DeJarnatt, Bluechel, Kreidler, Owen, McMullen, Talmadge, Lee, Bailey and West

AN ACT Relating to plastic in the marine environment; adding a new chapter to Title 79 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5365 by Senators Bender, Warnke, Vognild, Murray, Gaspard and von Reichbauer

AN ACT Relating to property tax deferrals for mobile home parks; and adding new sections to chapter 84.38 RCW.

Referred to Committee on Ways and Means.

- SB 5366 by Senators Nelson and Bender (by request of Legislative Transportation Committee)  
AN ACT Relating to public transit; amending RCW 36.57.050; adding a new section to chapter 36.57 RCW; and adding new sections to chapter 36.57A RCW.  
Referred to Committee on Transportation.
- SB 5367 by Senators Nelson and Bender (by request of Legislative Transportation Committee)  
AN ACT Relating to public transportation reporting requirements; and adding new sections to chapter 35.58 RCW.  
Referred to Committee on Transportation.
- SB 5368 by Senators Nelson and Bender (by request of Legislative Transportation Committee)  
AN ACT Relating to urban arterials; and amending RCW 47.26.220.  
Referred to Committee on Transportation.
- SB 5369 by Senators Bluechel, Warnke, Smith, Lee and von Reichbauer  
AN ACT Relating to mobile homes; creating new sections; making an appropriation; and providing an expiration date.  
Referred to Committee on Economic Development and Labor.
- SB 5370 by Senators Gaspard and Bailey  
AN ACT Relating to self-study of schools; and amending RCW 28A.58.085.  
Referred to Committee on Education.
- SB 5371 by Senators Gaspard, Bailey and Bauer  
AN ACT Relating to excellence in teacher preparation; adding new sections to chapter 28A.04 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Education.
- SB 5372 by Senators Bluechel, Moore, Nelson, Conner, Owen and Talmadge  
AN ACT Relating to recreational boating; amending RCW 82.49.030, 88.02.040, 88.02.050, 88.02.060, 88.02.070, and 88.02.030; and creating a new chapter in Title 88 RCW.  
Referred to Committee on Environment and Natural Resources.
- SB 5373 by Senators Patterson, Bender, Nelson and Conner (by request of Governor Gardner)  
AN ACT Relating to transportation appropriations; creating new sections; and declaring an emergency.  
Referred to Committee on Transportation.
- SB 5374 by Senators Cantu, Kreidler, Barr and Stratton (by request of Department of Ecology)  
AN ACT Relating to issuance of public waste disposal general obligation bonds; and amending RCW 43.99F.020.  
Referred to Committee on Environment and Natural Resources.
- SB 5375 by Senators Pullen, Talmadge, Owen, McMullen, Thorsness, Madsen, Sutherland, Gaspard and Benitz  
AN ACT Relating to DNA identification; adding new sections to chapter 43.43 RCW; and making an appropriation.  
Referred to Committee on Law and Justice.
- SB 5376 by Senators West, Moore, Kreidler, Stratton, Amondson and Conner  
AN ACT Relating to occupational therapy; and amending RCW 74.09.520 and 74.09.700.  
Referred to Committee on Health Care and Corrections.

SB 5377 by Senators McDonald, Gaspard, West, Talmadge, Sellar, Bailey, Craswell, Cantu, Hayner, Smitherman, Wojahn, McMullen, Smith, Sutherland, Murray, Niemi, Stratton and Anderson

AN ACT Relating to the alcoholism and drug addiction treatment and support act; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5378 by Senators Metcalf, Kreidler and Barr (by request of Governor Gardner)

AN ACT Relating to wetlands; adding a new chapter to Title 90 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5379 by Senators Hansen, Newhouse, Barr, Benitz, Hayner, Patterson, Matson, Stratton, Bauer and West

AN ACT Relating to membership on the board of tax appeals; and amending RCW 82.03.020.

Referred to Committee on Governmental Operations.

SB 5380 by Senators Sellar, Moore, Johnson, Talmadge, Newhouse, Anderson, Lee, Saling, Cantu, Amondson, Rasmussen, Hayner, Wojahn, Smitherman, Sutherland, Bailey, Stratton, West, Barr and Kreidler

AN ACT Relating to automobile driver financial responsibility; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 5381 by Senators Sellar, Talmadge, Thorsness, Moore, Newhouse, Anderson, Lee, Saling, Amondson, Cantu, Rasmussen, Nelson, McMullen, West, Craswell and Barr

AN ACT Relating to vehicular homicide; and reenacting and amending RCW 9.94A.320.

Referred to Committee on Law and Justice.

SB 5382 by Senators Pullen and Talmadge

AN ACT Relating to the election of district court judges; amending RCW 3.34.050, 3.34.060, and 3.30.080; adding a new section to chapter 3.38 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5383 by Senators Lee, Smitherman, Anderson, McMullen and Bailey

AN ACT Relating to employment and training planning; amending RCW 50.04.075; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5384 by Senators Patterson, Craswell, Bender, McMullen and von Reichbauer

AN ACT Relating to state ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Transportation.

SB 5385 by Senators Vognild, West, Wojahn and Barr

AN ACT Relating to the collection and reporting of hospital financial, discharge, and charity care information; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5386 by Senators Vognild, West and Barr

AN ACT Relating to the certification of hospital services; amending RCW 70.38.025, 70.38.105, and 70.38.115; creating new sections; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5387 by Senators West, Johnson, Kreidler and Vognild

AN ACT Relating to employment by hospitals of physicians and osteopathic physicians; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care and Corrections.

SB 5388 by Senators Metcalf and Barr

AN ACT Relating to forest practices; and amending RCW 76.09.240.

Referred to Committee on Environment and Natural Resources.

SB 5389 by Senators Metcalf, McMullen, Craswell and Conner

AN ACT Relating to islands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5390 by Senators Metcalf, Sutherland, DeJarnatt, Bailey, Conner, Bauer and von Reichbauer

AN ACT Relating to teacher retirement credit; amending RCW 41.32.320; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 5391 by Senators Bender, Rasmussen and Moore

AN ACT Relating to motor vehicle passenger safety device usage; adding a new chapter to Title 48 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5392 by Senators Bender, Rasmussen, Vognild, Owen, Moore, Talmadge, Sutherland, Madsen, Hansen and Bauer

AN ACT Relating to motor vehicle liability insurance; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5393 by Senators Johnson, Niemi, West, Kreidler, Smitherman and Smith (by request of Higher Education Coordinating Board)

AN ACT Relating to educational assistance for nurses; and amending RCW 28B.104.020.

Referred to Committee on Higher Education.

SB 5394 by Senators Saling, Patterson and Smitherman (by request of Higher Education Coordinating Board)

AN ACT Relating to tuition fees; amending RCW 28B.15.020, 28B.15.067, 28B.15.202, 28B.15.402, and 28B.15.502; and reenacting and amending RCW 28B.15.070, 28B.15.100, and 28B.15.076.

Referred to Committee on Higher Education.

SB 5395 by Senators Patterson, Saling, Rinehart, Bauer, Smitherman, Nelson and Lee (by request of Higher Education Coordinating Board)

AN ACT Relating to student financial aid; amending RCW 28B.15.065; and providing an effective date.

Referred to Committee on Higher Education.

SJM 8003 by Senators Conner, Bender, Madsen, DeJarnatt and Murray

Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued.

Referred to Committee on Transportation.

SJR 8208 by Senators McCaslin and DeJarnatt

Amending Constitutional provisions on alteration of county boundaries.

Referred to Committee on Governmental Operations.

SJR 8209 by Senators Pullen and Talmadge

Amending the Constitution to repeal provisions relating to election of superior court judges.

Referred to Committee on Law and Justice.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4404 by Representatives Ebersole and Ballard

Establishing cutoff dates.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4404 was advanced to second reading.

#### MOTION

At 10:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:19 a.m. by President Pritchard.

#### MOTION

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

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Ebersole and Ballard

Establishing cutoff dates.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4404.

House Concurrent Resolution No. 4404 was adopted by voice vote.

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

#### MOTION

Senator Pullen moved adoption of the following resolution:

#### SENATE RESOLUTION 1989-8612

by Senators Pullen, McCaslin, Talmadge, Niemi, Newhouse, Madsen, Rasmussen, Rinehart, Thorsness and Nelson

WHEREAS, The Soviet Union and the state of Washington are both on the Pacific Rim and share common boundaries; and

WHEREAS, The Soviet Union and the state of Washington have a joint interest in cultural activities such as art, dance, sports, and games; and

WHEREAS, The Soviet Union and the United States have a growing interest in foreign trade; and

WHEREAS, The Soviet Union and the United States were joined by the marriage of Elena Akhmilovskaya and John Donaldson on November 25, 1988; and



WHEREAS, The marriage will further the Soviet policies of glasnost and perestroika; and

WHEREAS, Elena's seven-year-old daughter, Dana, has remained behind in the Soviet Union; and

WHEREAS, The Soviet Union and the United States are both supportive of and recognize the importance of the family unit; and

WHEREAS, Reuniting Elena with her daughter in the United States will be a constructive step towards cementing the bonds of unity that exist between the Soviet Union and the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Senate request the Soviet Union to do everything possible to expedite the reunion between Elena and Dana; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Governor, each member of the Legislature, to Soviet Premier Mikhail Gorbachev, Ambassador Yuriy V. Dubinin, and to First Secretary and Soviet Consul Viktor M. Gribanov.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, even though I am sponsor on this, I have a question and that is the 'Therefore be it resolved that the Senate request the Soviet Union do everything possible to expedite the reunion.' In Washington, D.C., do individual states go in and negotiate with the Soviet Union or do individuals, such as Jessie Jackson? Is this proper to do this or should we request the United States State Department to expedite with the Soviet Union? I'm only speaking of that one paragraph."

Senator Pullen: "Well, it is proper to do it, particularly since the State Senate of the state of Washington now has had hearings on this—this morning—and we certainly got the facts correct. We're merely expressing our opinion. We're, in no way, trying to supersede the state department or the United States government from doing their duty, so nothing is intended in that regard. This is merely an expression of the feeling of the State Senate of the state of Washington and the fact that we believe in families and we believe in keeping families together."

Senator Rasmussen: "We don't have our foreign relations expert here, Senator Zimmerman, but that did raise a question in my mind."

Further debate ensued.

#### PERSONAL PRIVILEGE

Senator Stratton: "Thank you, Mr. President, I think I rise more on a personal privilege than on anything else. I've been listening to this discussion here for the last ten minutes and haven't understood but about every third word that's come out to us. Now, if putting up murals and taking down murals and putting down new carpet and taking down the curtains and taking out the chairs has created this empty, hollow sound, then we'd better do something before we start conducting the state's business."

#### REPLY BY THE PRESIDENT

President Pritchard: "Senator, your point is well taken. They have been working on it. They're aware of the problem and I certainly join you in your feelings. We can't hear very well up here in the Chair, either."

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8612.

Senate Resolution 1989-8612 was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed John Donaldson and his wife, Elena Akhmilovskaya, who were seated in the gallery.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5162.

On motion of Senator Newhouse, Senate Bill No. 5162 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 5294.

On motion of Senator Newhouse, Senate Bill No. 5294 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Education was relieved of further consideration of Senate Bill No. 5342.

On motion of Senator Newhouse, Senate Bill No. 5342 was referred to the Committee on Higher Education.

#### MOTION

At 11:32 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 24, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SIXTEENTH DAY

---

### NOON SESSION

---

Senate Chamber, Olympia, Tuesday, January 24, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Mike Kreidler and Viet Nguyen, presented the Colors. Reverend Ben W. Harding, associate pastor of the United Churches of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 23, 1989

SB 5059 Prime Sponsor, Senator Smith: Providing for a steelhead punchcard for persons under age fifteen. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5092 Prime Sponsor, Senator Lee: Pertaining to the sale of water district property. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5119 Prime Sponsor, Senator Pullen: Providing a procedure for unclaimed property in the hands of the Washington state patrol. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5233 Prime Sponsor, Senator Pullen: Changing provisions relating to the crime of burglary. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5238 Prime Sponsor, Senator Metcalf: Revising procedures concerning the

disposal of skins or furs. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1989

SJM 8000 Prime Sponsor, Senator Madsen: Relating to a resolution to the President for a constitutional amendment for victims' rights. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 23, 1989

SJM 8001 Prime Sponsor, Senator Metcalf: Requesting that sanctions be brought against foreign nations which harvest Washington state salmon. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8001 be substituted therefor, and the substitute memorial do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1989

SJR 8201 Prime Sponsor, Senator Anderson: Amending the Constitution to allow leases of up to fifty-five years for wharves, docks, and other structures within harbors. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5396 by Senators Barr, Bailey, Owen, DeJarnatt, Amondson, Patterson, Newhouse and Sutherland

AN ACT Relating to providing state funding assistance to school districts with student populations of two thousand or less located in distressed areas; adding a new section to chapter 28A.41 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5397 by Senators Cantu, Johnson, Anderson, Rasmussen, Craswell, Smith and Lee

AN ACT Relating to blood donation; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care and Corrections.

SB 5398 by Senators Cantu, Johnson, Anderson, Rasmussen, Craswell, Smith and Lee

AN ACT Relating to the disclosure of drivers' license records; and amending RCW 46.20.171 and 46.52.120.

Referred to Committee on Transportation.

SB 5399 by Senators Cantu, Johnson, Anderson, Rasmussen, Craswell, Smith and Lee

AN ACT Relating to blood donors; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Health Care and Corrections.

SB 5400 by Senators Niemi, West, Kreidler, Wojahn and Talmadge

AN ACT Relating to mental health systems; amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, 71.24.160, and 71.05.020; adding new sections to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; repealing RCW 71.24.039; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 5401 by Senators Barr, Hansen and Bailey

AN ACT Relating to the naming of a state grass; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Agriculture.

SB 5402 by Senators Lee, Gaspard and Rasmussen (by request of Legislative Budget Committee)

AN ACT Relating to bids on public construction contracts; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Ways and Means.

SB 5403 by Senators McCaslin, DeJarnatt and Thorsness

AN ACT Relating to surplus property; and amending RCW 43.19.1919.

Referred to Committee on Governmental Operations.

SB 5404 by Senators McDonald, Kreidler, Cantu, Talmadge, Bailey, Gaspard, Metcalf, Hansen, Williams, Bluechel, Lee and Rinehart

AN ACT Relating to natural resources conservation areas; amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, 79.71.090, 79.71.100, 79.71.110, and 82.45.060; adding new sections to chapter 79.71 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5405 by Senators Owen, Gaspard and McDonald

AN ACT Relating to the leasehold excise tax; and amending RCW 82.29A.020 and 82.29A.130.

Referred to Committee on Ways and Means.

SB 5406 by Senators Vognild, Warnke, Johnson and West

AN ACT Relating to fire and life safety equipment; amending RCW 19.28.065, 19.28.070, 19.28.210, and 19.28.510; adding a new section to chapter 19.28 RCW; adding new sections to chapter 48.48 RCW; creating a new section; and making appropriations.

Referred to Committee on Economic Development and Labor.

SB 5407 by Senator Metcalf

AN ACT Relating to recreational uses of publicly owned watershed lands; and adding a new section to chapter 43.99 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5408 by Senators McCaslin and Rasmussen

AN ACT Relating to the real estate excise tax; and amending RCW 82.45.010.

Referred to Committee on Financial Institutions and Insurance.

SB 5409 by Senators Hayner and Barr

AN ACT Relating to temporary subagency licenses for auctioneers; and amending RCW 46.70.023, 46.70.061, and 46.70.070.

Referred to Committee on Economic Development and Labor.

SB 5410 by Senators Talmadge, Murray and Wojahn

AN ACT Relating to human reproductive rights regarding hazardous substances in the workplace; amending RCW 49.70.010, 49.70.130, 49.17.240, and 49.60.030; adding a new section to chapter 18.73 RCW; adding a new section to chapter 49.44 RCW; and adding a new section to chapter 49.70 RCW.

Referred to Committee on Economic Development and Labor.

SB 5411 by Senator Smith

AN ACT Relating to aid for minor parents; adding new sections to chapter 74.21 RCW; and adding new sections to chapter 74.12 RCW.

Referred to Committee on Children and Family Services.

SB 5412 by Senators Pullen, Niemi, McCaslin, Nelson, Newhouse and Smith (by request of Office of Financial Management)

AN ACT Relating to the indeterminate sentence review board; amending RCW 9.95-.009, 9.95.115, and 9.95.0011; adding a new section to chapter 9.95 RCW; repealing RCW 9.95.0012; repealing section 1, chapter 224, Laws of 1986 (uncodified); and repealing section 14, chapter 224, Laws of 1986 (uncodified).

Referred to Committee on Law and Justice.

SB 5413 by Senator Moore

AN ACT Relating to the state employees' benefits board membership; and amending RCW 41.05.055.

Referred to Committee on Governmental Operations.

SB 5414 by Senator Moore

AN ACT Relating to investments; amending RCW 21.20.005, 21.20.040, 21.20.050, 21.20.060, 21.20.080, 21.20.090, 21.20.110, 21.20.120, 21.20.130, 21.20.210, 21.20.310, 21.20.330, 21.20.340, 21.30.350, 21.20.370, 21.20.380, 21.20.390, 21.20.430, 21.20.450, and 21.20.530; reenacting and amending RCW 21.20.320; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5415 by Senators Pullen, Niemi and Talmadge (by request of Administrator for the Courts)

AN ACT Relating to the district and municipal courts; amending RCW 3.02.010, 3.30-.040, 3.34.020, 3.34.060, 3.34.100, 3.38.020, 3.38.030, 3.38.060, 3.46.050, 3.46.120, 3.46.150, 3.50.040, 3.50.060, 3.50.100, 3.50.805, 3.58.020, 3.58.030, 3.62.020, 3.62.040, 3.62.070, 3.62.090, 3.52.010, and 3.52.220; adding a new section to chapter 3.34 RCW; adding a new section to chapter 3.46 RCW; creating a new section; and repealing RCW 3.46.060.

Referred to Committee on Law and Justice.

SB 5416 by Senators Johnson, Moore, Nelson, Niemi, Hayner, Rasmussen, Lee, Bailey, Smitherman, Metcalf and Talmadge (by request of Joint Committee on Pension Policy)

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.54.010, 41.54.030, and 41.40.120; adding a new section to chapter 41.54 RCW; repealing RCW 41.54.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5417 by Senators Johnson, Moore, Nelson, Lee, Bailey, Metcalf, Rasmussen and Talmadge (by request of Joint Committee on Pension Policy)

AN ACT Relating to cost-of-living adjustments for members of the public employees' and teachers' retirement systems; amending RCW 41.32.005, 41.32.485, 41.32.487, 41.40.005, 41.40.198, and 41.40.1981; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5418 by Senators Johnson, Moore, Nelson, Hayner, Bailey, Lee, Metcalf and Talmadge (by request of Joint Committee on Pension Policy)

AN ACT Relating to actuarial funding of state pension systems; amending RCW 41.26.005, 41.26.040, 41.26.070, 41.26.080, 41.26.450, 41.32.005, 41.32.030, 41.32.401, 41.32.403, 41.32.775, 41.40.005, 41.40.080, 41.40.370, 41.40.650, 43.43.220, 43.88.090, 41.40.160, 41.40.405,

41.40.410, and 41.32.570; adding a new chapter to Title 41 RCW; and repealing RCW 41.04.040, 41.04.050, 41.04.280, 41.32.110, 41.32.4982, 41.32.4983, 41.40.065, 41.32.150, 41.40.361, 43.43.200, 43.88.085, and 82.32.400.

Referred to Committee on Ways and Means.

SB 5419 by Senators DeJarnatt, Metcalf and Sutherland

AN ACT Relating to charter boats; and amending RCW 75.30.065.

Referred to Committee on Environment and Natural Resources.

SB 5420 by Senators Patterson, Bender, DeJarnatt, Rasmussen and West

AN ACT Relating to special license plates; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5421 by Senators Thorsness, McMullen, Hayner, Vognild, McDonald, Metcalf, Pullen, Bender, Amondson, Stratton, Patterson, Saling and Bailey

AN ACT Relating to civil damages for possession of controlled substances; adding a new section to chapter 69.50 RCW; adding a new section to chapter 43.08 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5422 by Senators Thorsness, Bender, Hayner, Vognild, McDonald, McMullen, Metcalf, Pullen, Amondson, Stratton, Patterson, Saling, Bailey, Bauer, Lee and Sutherland

AN ACT Relating to mandatory fines for controlled substances; adding a new section to chapter 69.50 RCW; adding a new section to chapter 43.08 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5423 by Senators Thorsness, Stratton, Hayner, McDonald, Pullen, Amondson, Patterson, Saling, Bailey, Lee and Rasmussen

AN ACT Relating to narcotic enforcement by the office of the attorney general; adding a new section to chapter 9A.82 RCW; adding a new section to chapter 43.08 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5424 by Senators Metcalf, Amondson, DeJarnatt and Patterson

AN ACT Relating to volunteer cooperative projects; and amending RCW 4.24.210.

Referred to Committee on Environment and Natural Resources.

SB 5425 by Senators Kreidler, McCaslin and DeJarnatt

AN ACT Relating to initiative and referendum ballot titles and summaries; amending RCW 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.090, 29.79.100, 29.79.110, and 29.79.320; and adding a new section to chapter 29.07 RCW.

Referred to Committee on Governmental Operations.

SB 5426 by Senators Kreidler, Newhouse, DeJarnatt and McCaslin

AN ACT Relating to campaign finance reporting of broadcast air time; amending RCW 42.17.020; and reenacting and amending RCW 42.17.090.

Referred to Committee on Governmental Operations.

SB 5427 by Senators Kreidler, Talmadge and Williams

AN ACT Relating to protection of marine water quality and providing for recreational boating safety; amending RCW 43.99.010, 43.99.020, 43.99.030, 43.99.040, 43.99.060, 43.99.080, and 82.36.280; adding a new section to chapter 75.10 RCW; adding a new chapter to Title 88 RCW; creating a new section; repealing RCW 43.99.050, 43.99.070, 82.36.305, and 82.36.306; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5428 by Senators Kreidler and Metcalf

AN ACT Relating to mobile home rent control; and amending RCW 35.21.830 and 36.01.130.

Referred to Committee on Governmental Operations.

SB 5429 by Senators Kreidler, Metcalf and DeJarnatt

AN ACT Relating to the special excise tax on lodging; and amending RCW 67.28.210.

Referred to Committee on Environment and Natural Resources.

SB 5430 by Senator Kreidler

AN ACT Relating to the state retirement system; amending RCW 41.40.230 and 41.40-.670; adding a new section to chapter 41.50 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5431 by Senators Bauer, Smith, Sutherland, McDonald and Vognild

AN ACT Relating to the leasehold excise tax; and amending RCW 35.21.755.

Referred to Committee on Ways and Means.

SB 5432 by Senators Anderson, Cantu, Matson and Saling

AN ACT Relating to prevailing wage determinations; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Economic Development and Labor.

SB 5433 by Senators Bauer, Patterson, Lee and Sutherland

AN ACT Relating to parking privileges for disabled persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 5434 by Senators McCaslin, DeJarnatt, Nelson, Owen, McMullen, Bender and Sutherland

AN ACT Relating to water districts; amending RCW 57.08.010 and 57.16.010; and adding a new chapter to Title 57 RCW.

Referred to Committee on Governmental Operations.

SB 5435 by Senators McCaslin, DeJarnatt, Nelson, Owen, Smitherman, Anderson, Bender and Sutherland

AN ACT Relating to subdivisions; amending RCW 58.17.020, 58.17.070, 58.17.100, 58.17.140, 58.17.170, and 58.17.900; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Governmental Operations.

SB 5436 by Senators McCaslin, DeJarnatt, Nelson, Owen, McMullen, Bender and Sutherland

AN ACT Relating to sewer districts; amending RCW 56.08.010 and 56.16.030; adding a new section to chapter 56.08 RCW; and adding a new chapter to Title 56 RCW.

Referred to Committee on Governmental Operations.

SB 5437 by Senators Lee, DeJarnatt and Warnke (by request of Secretary of State)

AN ACT Relating to the productivity board; amending RCW 41.60.041, 41.60.100, 41.60.110, 41.60.120, and 41.60.150; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SJM 8004 by Senators Conner, Rasmussen, Bauer, Barr and Sutherland

Opposing the policy of allowing a park fire to burn.

Referred to Committee on Environment and Natural Resources.



SJM 8005 by Senator Metcalf

Requesting a dedicated trust fund for an outdoor recreation grant program.

Referred to Committee on Environment and Natural Resources.

SJM 8006 by Senators Metcalf, Kreidler and DeJarnatt

Asking Congress to clarify federal law concerning oil spill remedies.

Referred to Committee on Environment and Natural Resources.

SJM 8007 by Senators Bauer, Sellar, Patterson, Warnke, Vognild and Sutherland

Requesting enactment of the social security notch adjustment act.

Referred to Committee on Governmental Operations.

SCR 8401 by Senators Talmadge, Wojahn, Conner, Stratton, Lee and Bailey

Declaring Taiwan an international sister state.

Referred to Committee on Economic Development and Labor.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5140.

On motion of Senator Newhouse, Senate Bill No. 5140 was referred to the Committee on Ways and Means.

#### MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 25, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SEVENTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 25, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Darcy Imus and Silke Ricken, presented the Colors. Reverend Ben W. Harding, associate pastor of the United Churches of Olympia, offered the prayer.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 23, 1989

SB 5039 Prime Sponsor, Senator Hayner: Limiting the method of execution to lethal injection. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Bill No. 5039 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5042 Prime Sponsor, Senator West: Providing for unilateral implementation of certain public sector collective bargaining agreements. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5071 Prime Sponsor, Senator Smith: Regarding surrogate parenting. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5090 Prime Sponsor, Senator Nelson: Establishing seriousness levels for unranked felonies. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5106 Prime Sponsor, Senator Smitherman: Developing a model shared foreign sales corporation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 23, 1989

SB 5107 Prime Sponsor, Senator Smith: Regarding abuse or exploitation of vulnerable adults/registry. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5355 Prime Sponsor, Senator Benitz: Authorizing first class cities to enter into agreements to own and operate electrical utilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

OFFICE OF FINANCIAL MANAGEMENT  
Insurance Building  
Olympia, Washington 98504

January 17, 1989

TO: Agency Directors and Fiscal Officers  
FROM: Dan Pensula, Assistant Director, Accounting and Fiscal Services Division  
SUBJECT: STATE OF WASHINGTON FISCAL YEAR 1988, COMPREHENSIVE ANNUAL FINANCIAL REPORT

I am pleased to provide you with a copy of the state of Washington's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 1988. The CAFR includes both "general purpose" or combined financial statements, and "combining" financial statements for each fund. As such, it represents a detailed financial report on all state financial transactions during the fiscal year. Washington's CAFR was prepared in conformance with generally accepted accounting principles (GAAP) applicable to state governments and has received an unqualified audit opinion from State Auditor Robert V. Graham.

The report includes a Certificate of Achievement for Excellence in Financial Reporting (see page 11) awarded by the Government Finance Officers Association (GFOA) of the United States and Canada for our Fiscal Year 1987 CAFR. In receiving this award, the state has demonstrated a high level of compliance with GAAP as well as compliance with state and federal laws. Currently, Washington is among a select group; only approximately 700 out of 80,000 governmental entities in the United States have received this award. This certificate is valid for one year. We believe our Fiscal Year 1988 report also conforms to the Certificate of Achievement for Excellence in Financial Reporting Program requirements and have submitted it to the GFOA to determine its eligibility for another certificate.

I hope Washington's Fiscal Year 1988 CAFR proves informative to you. If you have any comments concerning how this report could be made more useful or specific questions regarding its contents, please contact Mike Cheney, Chief, State Financial Policies, at (206) 753-1814 (SCAN 234-1814).

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

REPORT OF SELECT COMMITTEE

WASHINGTON STATE BOARD OF PHARMACY  
319 East 7th Avenue  
Olympia, Washington 98504

January 19, 1989

Gordon Golob  
Secretary of the Senate  
Washington State Senate

Dear Gordon:

Although abuse of street drugs remains a major problem within our state, this type of drug abuse comprises only 30% of all drug related visits for 1987 Seattle area emergency rooms. The remaining 70% of drug related emergency room visits are for prescription and over-the-counter drugs.

Enclosed is the 1989 Interdepartmental Coordinating Committee on Drug Misuse, Diversion and Abuse biennial report to the Legislature outlining the Committee's efforts to curtail the improper use of pharmaceutical drugs. This report is required by RCW 18.64.007. Copies have also been sent to the Senate Human Services and Corrections Committee, the House Human Services Committee and the State Library. If you have any questions or comments, please contact me at 753-6834.

Sincerely,  
DONALD H. WILLIAMS  
Executive Secretary, Washington State Board of Pharmacy

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

REPORT OF SELECT COMMITTEE

WASHINGTON STATE UNIVERSITY  
Office of the President  
Pullman, Washington 99164

January 19, 1989

The Honorable Joel Pritchard  
Lieutenant Governor, President of the Senate  
304 Legislative Building  
Olympia, Washington

Dear Lieutenant Governor Pritchard:

In accordance with Section 601, Chapter 7, Laws of 1987, First Extraordinary Session, I am submitting Washington State University's Report to the 1989 Legislature.

I appreciate the opportunity to provide this information, and I shall welcome any question or comments concerning the information therein.

Sincerely yours,  
SAMUEL H. SMITH  
President

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 18, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Kay Becker, appointed January 18, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward E. Carlson, reappointed January 17, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for the University of Washington.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Fielding Formway, appointed January 19, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Susan E. Gould, reappointed January 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Central Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 19, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis G. Kenney, reappointed December 19, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald L. Olson, reappointed January 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Spokane Community College District No. 17.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 18, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James C. Waldo, reappointed January 18, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Western Washington University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 18, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William R. Wiley, appointed January 18, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for Washington State University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harvey Vernier, reappointed January 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8615

by Senators Murray, Rasmussen and Smitherman

WHEREAS, The Ingraham Rams football team has proven itself to be the best in the state by defeating Kentwood High School 21-0 on December 3, 1988, to win Kingbowl XII, the Washington State AAA High School Football Championship; and

WHEREAS, It is the first time in the history of Ingraham High School that the football team has won the state championship; and

WHEREAS, Ingraham is the only team with a 5 class, 2.0 grade point requirement to participate in the state playoff; and

WHEREAS, The team's seasonal turning point came when they made a remarkable comeback in the last forty-two seconds of their game against Juanita High School by recovering a fumble and driving seventy-five yards for a touch-down to tie the game; and

WHEREAS, Head Coach Ron Sidenquist has been named Seattle P-I Coach of the Year for his efforts in molding the talents of the fine young men who wore the Blue, Gray and White; and

WHEREAS, This great success of winning the state championship was achieved through motivation, teamwork, dedication, and miraculous determination; and

WHEREAS, The Rams "did not believe the hype," overcame obstacles and beat all odds through faith in each other and the belief that any goal is attainable;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes and applauds the triumph of the players, Greg Alonzo, Eric Anderson, Chris Angelos, Brandon Becker, John Bloomquist, John Brown, Stephan Crich, Ben DuBois, Jason Gavin, Otis Golden, Eric Grandberry, Tali Hairston, Jody Hill, Jordan Hill, Lynton Hyde, Remoun Karlous, Bryce Kisker, Edward Kloth, Charlie Kunz, David Lee, John Ling, Doug Lynch, Mark Mayor, Avory Moore, Hoang Nguyen, Eric Nielsen, Mike Nord, Simon Robinson, Fred Roebke, Brad Root, Eric Rosmith, Joe Ruef, Jim Sage, John Shepard, George Thomas, Charles Turner, Kosta Varlamos, Jeffray Wilkins, Defensive Coordinator Joe Clay and Head Coach Ron Sidenquist; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the coaches and players of the Ingraham High School football team.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Ingraham Rams Championship Football Team and their coaches who were seated in the gallery.

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

#### MESSAGE FROM THE HOUSE

January 23, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4405, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SB 5438 by Senators Barr, Talmadge, Hansen, Benitz, Madsen, Williams, Murray and Bauer

AN ACT Relating to water conservation; amending RCW 90.03.005; adding new sections to chapter 19.27 RCW; adding a new section to chapter 43.21A RCW; adding new sections to chapter 70.116 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.54 RCW; creating new sections; and making appropriations.

Referred to Committee on Agriculture.

SB 5439 by Senators Newhouse and Fleming

AN ACT Relating to contractor's bonds; and amending RCW 39.08.010.

Referred to Committee on Economic Development and Labor.

SB 5440 by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

AN ACT Relating to tow trucks; amending RCW 46.55.020, 46.55.030, 46.55.040, 46.55-.060, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.180, 46.55.200, and 46.55.240; reenacting and amending RCW 46.55.010; adding new sections to chapter 46.55 RCW; recodifying RCW 46.61.567; repealing RCW 46.61.563; and prescribing penalties.

Referred to Committee on Transportation.

SB 5441 by Senators von Reichbauer, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

AN ACT Relating to licensing of commercial drivers; amending RCW 28A.04.131, 46.20.470, 46.37.010, 46.52.120, 46.55.090, 46.61.519, and 46.90.300; reenacting and amending RCW 46.52.130 and 46.63.020; creating a new chapter in Title 46 RCW; creating a new section; repealing RCW 46.20.440, 46.20.450, and 46.20.460; prescribing penalties; making an appropriation; and providing effective dates.

Referred to Committee on Transportation.

**SB 5442** by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

AN ACT Relating to programs administered by the department of licensing; amending RCW 10.05.060, 46.01.030, 46.01.090, 46.01.100, 46.04.303, 46.04.304, 46.04.305, 46.04.330, 46.04.580, 46.09.080, 46.09.140, 46.10.050, 46.10.140, 46.12.070, 46.12.140, 46.12.151, 46.12.181, 46.16.270, 46.20.021, 46.20.055, 46.20.091, 46.20.100, 46.20.118, 46.20.119, 46.20.130, 46.20.161, 46.20.181, 46.20.270, 46.20.285, 46.20.293, 46.20.311, 46.20.326, 46.20.342, 46.20.391, 46.20.911, 46.29.110, 46.29.330, 46.29.430, 46.29.610, 46.61.655, 46.61.685, 46.61.688, 46.64.048, 46.65.070, 46.65.090, 46.70.029, 46.70.041, 46.70.061, 46.70.083, 46.70.085, 46.76.040, 46.79.010, 46.79.020, 46.79.070, 46.80.030, 46.82.410, and 46.90.300; reenacting and amending RCW 46.37.530 and 46.63.020; adding a new section to chapter 46.04 RCW; repealing RCW 46.20.171, 46.20.416, 46.20.418, 46.20.599, and 46.29.625; and prescribing penalties.

Referred to Committee on Transportation.

**SB 5443** by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

AN ACT Relating to programs administered by the department of licensing; amending RCW 46.04.302, 46.12.160, 46.12.290, 46.20.120, 46.20.205, 46.20.300, 46.20.308, 46.20.510, 46.65.065, 46.70.011, 46.70.027, 46.70.070, 46.70.101, 46.80.110, 46.82.320, 46.82.360, and 82.50.010; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.70 RCW; adding a new section to chapter 46.79 RCW; and prescribing penalties.

Referred to Committee on Transportation.

**SB 5444** by Senators Moore and Niemi

AN ACT Relating to the suspension of pension payments; and amending RCW 41.32.570.

Referred to Committee on Ways and Means.

**SB 5445** by Senators Barr, Bender, Patterson, DeJarnatt and McMullen (by request of Legislative Transportation Committee)

AN ACT Relating to the transportation facilities capital account; creating a new chapter in Title 47 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5446** by Senators Talmadge, Wojahn, DeJarnatt, Kreidler and Sutherland

AN ACT Relating to the regulation of medical waste; adding a new chapter to Title 70 RCW; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Health Care and Corrections.

**SB 5447** by Senator Talmadge

AN ACT Relating to the omnibus education reform act; amending RCW 28A.01.025, 28A.41.130, 28A.41.170, 28A.58.075, 28A.58.754, 28A.58.772, 28A.59.180, 28A.41.110, and 28A.41.140; reenacting and amending RCW 28A.02.201 and 28A.58.099; adding a new section to chapter 28A.57 RCW; adding a new section to chapter 28A.58 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

**SB 5448** by Senator Talmadge

AN ACT Relating to the release and use of genetically engineered organisms in the environment; adding a new chapter to Title 15 RCW; adding new sections to chapter 43.131 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Agriculture.

**SB 5449** by Senators Talmadge and Moore



AN ACT Relating to trade; adding a new section to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5450 by Senators Talmadge, Moore, Murray and Bauer

AN ACT Relating to education in Pacific Rim languages; reenacting and amending RCW 28A.70.005; adding a new section to chapter 28A.03 RCW; and adding new sections to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SB 5451 by Senators Talmadge and Moore

AN ACT Relating to clothing donations to low-income persons; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5452 by Senators Nelson and Vognild

AN ACT Relating to vehicle license fees; amending RCW 46.16.085, 46.16.090, and 46.68.035; reenacting and amending RCW 46.16.070; and creating a new section.

Referred to Committee on Transportation.

SB 5453 by Senator Smith

AN ACT Relating to contractor registration; and amending RCW 18.27.090.

Referred to Committee on Economic Development and Labor.

SB 5454 by Senators Wojahn, West, Metcalf, Niemi, Stratton, Bailey, Rasmussen, Newhouse, Johnson, Sellar, Barr, Matson, Benitz, Conner, Hansen, Bauer, McDonald, Warnke, Vognild, DeJarnatt, Williams, Murray, Sutherland, Fleming, Gaspard, Smith, Saling, Bender and Anderson (by request of Governor Gardner)

AN ACT Relating to a department of health; amending RCW 9.02.005, 26.04.165, 26.09.020, 26.09.150, 28B.104.020, 42.48.010, 43.20.025, 43.20.050, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.360, 43.20A.660, 43.20B.110, 43.21A.170, 43.21A.445, 48.21A.090, 48.42.070, 48.44.320, 48.46.040, 68.50.280, 69.04.915, 71.12.460, 71.12.480, 71.12.485, 71.12.490, 71.12.500, 71.12.520, 71.12.530, 71.12.540, 71.12.640, 70.123.030, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 18.120.040, 18.122.010, 18.122.020, 18.122.030, 18.122.050, 18.122.100, 18.122.110, 18.130.020, 18.130.310, 43.24.020, 43.24.086, 19.02.040, 19.02.050, 43.24.015, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, 69.45.070, 70.39.170, 70.38.015, 70.38.025, 70.38.035, 70.38.045, 70.38.085, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 43.17.010, 43.17.020, and 42.17.2401; reenacting and amending RCW 43.20.030, 43.200.040, and 70.39.070; adding a new section to chapter 15.36 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 19.32 RCW; adding a new section to chapter 28A.31 RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99D RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.08 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 70.22 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.40 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.54 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections: recodifying RCW 43.20A-.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.24.015, 43.20A.140, and 43.24.072; repealing RCW 18.32.326, 18.34.040, 18.64.007, 43.24.075, 43.131.253, 43.131.254, 70.38.055, 70.38.065, 70.38.145, 70.39.030, 70.39.040, 70.39.050, 70.39.060, and 70.39.090; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 5455 by Senators Madsen, West, Talmadge, Smitherman, Gaspard, Bauer and McCaslin

AN ACT Relating to creating a boot camp for adult offenders; amending RCW 72.02-.200; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9.94A RCW; and making an appropriation.

Referred to Committee on Health Care and Corrections.

SB 5456 by Senators von Reichbauer, Moore and Johnson (by request of State Investment Board)

AN ACT Relating to the state investment board; amending RCW 42.30.110; and reenacting and amending RCW 42.17.310.

Referred to Committee on Financial Institutions and Insurance.

SB 5457 by Senators Warnke, Smitherman and Bender

AN ACT Relating to dislocated workers terminated as a result of modernization activity undertaken under a state tax deferral program; adding a new section to chapter 50.20 RCW; adding a new section to chapter 82.60 RCW; and adding a new section to chapter 82.61 RCW.

Referred to Committee on Economic Development and Labor.

SB 5458 by Senators Smitherman, Warnke and Bender

AN ACT Relating to activities of the employment security department in relation to prohibited practices in employment; and amending RCW 49.44.100.

Referred to Committee on Economic Development and Labor.

SB 5459 by Senators Barr, DeJarnatt, Patterson, Hansen, Conner and Matson

AN ACT Relating to tax distributions to local governments; amending RCW 82.14.200, 82.44.150, and 43.84.092; adding new sections to chapter 82.14 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5460 by Senators Murray and Talmadge (by request of Department of Labor and Industries)

AN ACT Relating to agricultural labor; and amending RCW 49.12.185.

Referred to Committee on Economic Development and Labor.

SB 5461 by Senators McDonald, Gaspard, Lee and Conner (by request of Governor Gardner and State Treasurer)

AN ACT Relating to actuarial funding of state pension systems; amending RCW 41.26.005, 41.26.040, 41.26.070, 41.26.080, 41.26.450, 41.32.005, 41.32.030, 41.32.401, 41.32.403, 41.32.775, 41.40.005, 41.40.080, 41.40.370, 41.40.650, 43.43.220, 43.88.090, and 43.88.530; adding a new chapter to Title 41 RCW; and repealing RCW 41.04.040, 41.04.050, 41.04.280, 41.32.110, 41.32.4982, 41.32.4983, 41.40.065, 41.32.150, 41.40.361, 43.43.200, 43.88.085, and 82.32.400.

Referred to Committee on Ways and Means.

SB 5462 by Senators McDonald, Gaspard and Conner (by request of Governor Gardner)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.83A.020, 43.99E.015, 43.99F.020, 43.99G.020, 43.99G.102, 75.48.020, 39.42.030, and 39.42.060; adding a new section to chapter 43.88 RCW; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5463 by Senators McDonald and Gaspard (by request of Governor Gardner)

AN ACT Relating to tuition fees; and amending RCW 28B.15.202, 28B.15.402, and 28B.15.502.

Referred to Committee on Ways and Means.

SB 5464 by Senators von Reichbauer, Moore, Johnson, Gaspard and McCaslin

AN ACT Relating to professional wrestling and boxing; amending RCW 67.08.001, 67.08.003, 67.08.030, 67.08.050, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.010,

67.08.015, 67.08.055, 67.08.060, and 67.08.140; adding new sections to chapter 67.08 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5465 by Senators Moore and Lee

AN ACT Relating to mobile home liens and abandonment; and adding new sections to chapter 59.20 RCW.

Referred to Committee on Economic Development and Labor.

SB 5466 by Senators McCaslin, DeJarnatt and Thorsness (by request of Insurance Commissioner)

AN ACT Relating to the state building code council; and amending RCW 19.27.070.

Referred to Committee on Governmental Operations.

SB 5467 by Senators Metcalf, Kreidler, DeJarnatt, Nelson, Talmadge, Benitz, Owen, Rinehart, Lee, Amondson and Conner (by request of Puget Sound Water Quality Authority)

AN ACT Relating to increasing criminal penalties for certain violations of water quality statutes; amending RCW 90.48.140; adding new sections to chapter 90.48 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5468 by Senators Lee and Smitherman (by request of Department of Labor and Industries)

AN ACT Relating to medical aid premiums; and amending RCW 51.16.140.

Referred to Committee on Economic Development and Labor.

SB 5469 by Senators Nelson and Talmadge

AN ACT Relating to alcoholism treatment facility patient records; and amending RCW 70.96A.150.

Referred to Committee on Health Care and Corrections.

SB 5470 by Senators Moore and Murray

AN ACT Relating to involuntary infertility; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5471 by Senator Smith

AN ACT Relating to automotive repair; and adding new sections to chapter 46.71 RCW.

Referred to Committee on Economic Development and Labor.

SB 5472 by Senators Nelson, Bender, Barr and Conner

AN ACT Relating to vessel dealer registration exemptions; and adding a new section to chapter 88.02 RCW.

Referred to Committee on Transportation.

SB 5473 by Senators Nelson, Bender, Barr and Conner

AN ACT Relating to vessels owned by nonresidents; and amending RCW 88.02.030.

Referred to Committee on Transportation.

SB 5474 by Senators Newhouse, Vognild and Talmadge (by request of Administrator for the Courts)

AN ACT Relating to interpreters in legal proceedings; amending RCW 2.42.010, 2.42-020, and 2.42.050; and adding new sections to chapter 2.42 RCW.

Referred to Committee on Law and Justice.

SB 5475 by Senator Conner (by request of Employment Security Department)

AN ACT Relating to the employment security department; making an appropriation; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

**SB 5476** by Senators Smitherman, Lee and Warnke (by request of Employment Security Department)

AN ACT Relating to unemployment compensation coverage for agricultural labor; and repealing RCW 50.04.150 and 50.04.155.

Referred to Committee on Economic Development and Labor.

**SB 5477** by Senators Amondson, Owen, Metcalfe, DeJarnatt, Kreidler and Smith

AN ACT Relating to anadromous fishery resources; amending RCW 75.20.090; adding new sections to chapter 75.20 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 43.10 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

**SB 5478** by Senators Amondson, Owen, Metcalfe, Kreidler, DeJarnatt, McMullen and Smith

AN ACT Relating to punchcards for steelhead and upland birds; and amending RCW 77.32.360.

Referred to Committee on Environment and Natural Resources.

**SB 5479** by Senators Owen, Amondson, Kreidler, West and Sellar

AN ACT Relating to recreational geoduck harvesting areas; and adding a new section to chapter 79.96 RCW.

Referred to Committee on Environment and Natural Resources.

**SB 5480** by Senators Pullen, Fleming, Talmadge, Smitherman, McCaslin, Nelson, Niemi, Madsen, Rinehart and Lee

AN ACT Relating to malicious harassment; amending RCW 9A.36.080; reenacting and amending RCW 2.56.030; and creating a new section.

Referred to Committee on Law and Justice.

**SB 5481** by Senators West, Wojahn, Sellar and Vognild

AN ACT Relating to the impaired physician program; amending RCW 18.72.301 and 18.72.306; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

**SB 5482** by Senator Talmadge

AN ACT Relating to funding research and development of new technologies; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

**SJR 8210** by Senators Barr, Talmadge, Hansen, Benitz and Williams

Modifying the Constitution to allow for entities engaged in water sale or distribution to undertake conservation.

Referred to Committee on Agriculture.

**SCR 8402** by Senators Talmadge and Moore

Urging the Goodwill Games Committee to put human rights on the agenda.

Referred to Committee on Governmental Operations.

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4405 by Representatives Ebersole and Ballard

Recognizing Medal of Merit recipients.

## MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4405 was advanced to second reading and placed on the second reading calendar.

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

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Ebersole and Ballard

Recognizing Medal of Merit recipients.

The concurrent resolution was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third, and the House Concurrent Resolution No. 4405 was adopted.

## MOTION

At 10:16 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5031, by Senators Pullen, Niemi and Rasmussen

Correcting or amending internal references in the revised code of Washington.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5031 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5031.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Matson - 1.

SENATE BILL NO. 5031, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

## SECOND READING

SENATE BILL NO. 5032, by Senators Pullen, Niemi and Rasmussen

Repealing obsolete sections in the revised code of Washington.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5032.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 5032, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5033, by Senators Pullen, Niemi and Rasmussen

Making technical corrections in the revised code of Washington.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5033 was substituted for Senate Bill No. 5033 and the substitute bill was placed on second reading and read the second time.

On motion of Pullen, the rules were suspended, Substitute Senate Bill No. 5033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTIONS

On motion of Senator Bender, Senator Owen was excused.

On motion of Senator Anderson, Senator McDonald was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5033.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Matson, McDonald, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5033, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5034, by Senators Pullen, Niemi and Rasmussen

Reconciling double amendments or repeals in the revised code of Washington.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5034 was substituted for Senate Bill No. 5034 and the substitute bill was placed on second reading and read the second time.

On motion of Pullen, the rules were suspended, Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Anderson, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5034.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Matson, McDonald, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5045, by Senators Pullen and Niemi (by request of Statute Law Committee)

Correcting statutes affected by vetoes by the governor.

The bill was read the second time.

## MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Newhouse be adopted:

On page 18, line 13, strike all of sections 20 and 21, through page 22, line 21

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senators Talmadge and Newhouse on page 18, line 13, to Senate Bill No. 5045.

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

## MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:  
On line 5 of the title, after "44.42.040," strike "46.94.020, 46.94.040."

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 5045 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bender, Senator Fleming was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5045.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen,

McCasin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Fleming, Matson, McDonald, Owen - 5.

ENGROSSED SENATE BILL NO. 5045, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5046, by Senators Pullen, Niemi, Talmadge, Lee, Sutherland and von Reichbauer (by request of Statute Law Committee)

Eliminating certain gender-specific language.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5046 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5046.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCasin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Fleming, Matson, McDonald, Owen - 5.

SENATE BILL NO. 5046, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTIONS

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5285.

On motion of Senator Newhouse, Senate Bill No. 5285 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5349.

On motion of Senator Newhouse, Senate Bill No. 5349 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 5393.

On motion of Senator Newhouse, Senate Bill No. 5393 was referred to the Committee on Health Care and Corrections.

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

#### REPORTS OF STANDING COMMITTEES

January 24, 1989

#### SB 5136

Prime Sponsor, Senator Owen: Creating a fish identification card to allow greater accuracy in punchcard use. Reported by Committee on Environment and Natural Resources



MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5288 Prime Sponsor, Senator Metcalf: Providing for the production of salmon smolts by private aquaculturists. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5289 Prime Sponsor, Senator Metcalf: Authorizing the formation of regional fisheries enhancement groups. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

#### MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 26, 1989.

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

## EIGHTEENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Thursday, January 26, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Kathy Mosher and Marguerite Casteele, presented the Colors. Reverend Ben W. Harding, associate pastor of the United Churches of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 24, 1989

SB 5052 Prime Sponsor, Senator Lee: Amending committee voucher authority. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5089 Prime Sponsor, Senator Newhouse: Changing provisions relating to transferring cases between superior courts. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5099 Prime Sponsor, Senator McCaslin: Revising provisions for suspension without pay of a state patrol officer. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5099 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5125 Prime Sponsor, Senator McCaslin: Limiting causes of action for wrongful life and wrongful birth. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Rasmussen, Thorsness.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Rinehart.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5128 Prime Sponsor, Senator McCaslin: Specifying notice requirements for local improvements. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5156 Prime Sponsor, Senator Thorsness: Providing for the Cedar River sock-eye salmon enhancement program. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5156 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5186 Prime Sponsor, Senator Pullen: Changing provisions relating to the commission on judicial conduct. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5187 Prime Sponsor, Senator Pullen: Changing provisions relating to nonpartisan and judicial elections. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 25, 1989

SB 5253 Prime Sponsor, Senator Metcalf: Protecting federally designated sole source aquifers. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 24, 1989

SB 5336 Prime Sponsor, Senator Pullen: Providing civil immunity for persons making reports to government officials. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 25, 1989

SB 5364 Prime Sponsor, Senator Metcalf: Addressing plastic debris in marine environment. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; DeJarnatt, Kreidler, Owen, Patterson.

Referred to Committee on Ways and Means.

January 25, 1989

SB 5377 Prime Sponsor, Senator McDonald: Appropriating money for the alcoholism and drug addiction treatment and support act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5377 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1989

SJM 8002 Prime Sponsor, Senator Metcalf: Requesting a Western States Recycling Coalition. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 25, 1989

SJM 8006 Prime Sponsor, Senator Metcalf: Asking Congress to clarify federal law concerning oil spill remedies. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 26, 1989

SJR 8202 Prime Sponsor, Senator Pullen: Amending the Constitution to change provisions relating to the commission on judicial conduct. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Joint Resolution No. 8202 be substituted therefor, and the substitute resolution do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 26, 1989

SJR 8209 Prime Sponsor, Senator Pullen: Amending the Constitution to repeal provisions relating to election of superior court judges. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 24, 1989

GA 9028 WENDY HOLDEN, appointed July 18, 1988, for a term ending at the pleasure of the Governor, as Director of the Department of General Administration.

Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

WASHINGTON STATE COUNCIL ON VOCATIONAL EDUCATION  
120 East Union, Room 220  
Olympia, Washington 98504

January 2, 1989

The Honorable Booth Gardner  
Governor  
Legislative Building - AS-13  
Olympia, Washington 98504

Dear Governor Gardner:

On the 30th day of June, 1987, you signed Executive Order 87-06 directing the Council on Vocational Education to administer the Washington Award for Vocational Excellence (WAVE) Program pursuant to RCW 28C.04.520 through 28C.04.550. This legislation requires that a "report on the results and effectiveness of the WAVE Program be made to the Legislature and Governor on or before January 15 of each odd-number year."

On behalf of the Council, I am pleased to submit our report detailing enrollment/utilization data for the WAVE Program from its implementation in the fall of 1985 to present.

In transmitting this report, I would like to express the Council's appreciation for the recognition given to vocational education, as well as the opportunities presented to our outstanding vocational students.

Respectfully,  
ELIZABETH STOCKER, Chairman  
Council on Vocational Education

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

INTRODUCTION AND FIRST READING

SB 5483 by Senators Patterson, Bailey, Barr, McCaslin, DeJarnatt, Owen, McMullen, Hayner, Conner, Sutherland, Hansen, Bluechel and Warnke

AN ACT Relating to the minimum number of school administrators for small school districts; and amending RCW 28A.41.140.

Referred to Committee on Education.

SB 5484 by Senators Thorsness, Bender, McDonald, Madsen, McCaslin, Patterson, Saling, Cantu, Lee and Johnson

AN ACT Relating to a day of commemoration for the national guard; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

**SB 5485** by Senators Pullen and Saling

AN ACT Relating to classification as resident or nonresident student; amending RCW 28B.15.013; and reenacting and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

**SB 5486** by Senators McCaslin, DeJarnatt, Thorsness and Johnson

AN ACT Relating to licenses for real estate brokers and salespersons; amending RCW 18.85.140; and providing an effective date.

Referred to Committee on Economic Development and Labor.

**SB 5487** by Senators McCaslin, DeJarnatt and Thorsness

AN ACT Relating to full disclosure requirements of real estate licensees; and amending RCW 18.85.230.

Referred to Committee on Economic Development and Labor.

**SB 5488** by Senators Barr, Hansen, Bauer, Conner, Sellar, DeJarnatt, Owen, Metcalf, Sutherland, Bailey, Gaspard, Madsen, Newhouse, Hayner, Rinehart, Smitherman, Benitz, Amondson, Anderson and Matson

AN ACT Relating to theft of livestock; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

**SB 5489** by Senators McCaslin, DeJarnatt and Thorsness

AN ACT Relating to short plat surveys; amending RCW 58.17.205; and reenacting and amending RCW 58.17.060.

Referred to Committee on Governmental Operations.

**SB 5490** by Senators Lee, Rasmussen, Anderson, Niemi and Fleming

AN ACT Relating to dentistry; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Health Care and Corrections.

**SB 5491** by Senators Talmadge and Bender

AN ACT Relating to edgestriping along certain roadways; adding a new section to chapter 47.36 RCW; and creating a new section.

Referred to Committee on Transportation.

**SB 5492** by Senators Nelson and Talmadge

AN ACT Relating to parenting; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Law and Justice.

**SB 5493** by Senators Hayner and Rasmussen

AN ACT Relating to allowing the use of informal discovery procedures in personal injury cases; and reenacting and amending RCW 5.60.060.

Referred to Committee on Law and Justice.

**SB 5494** by Senators Bender, Thorsness, Owen and DeJarnatt

AN ACT Relating to amateur radio operator license plates; and amending RCW 46.16.320.

Referred to Committee on Transportation.

**SB 5495** by Senators Bender, Owen, McMullen, Hansen, Conner and DeJarnatt

AN ACT Relating to automobile insurance rate reductions; adding a new section to chapter 48.19 RCW; adding a new section to chapter 43.24 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

**SB 5496** by Senators Bender, Madsen, McMullen, Hansen, Conner and DeJarnatt

AN ACT Relating to motor fuel inspections; adding a new chapter to Title 19 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 5497 by Senators Smith, Wojahn, West, Lee and Johnson

AN ACT Relating to crimes involving drugs; amending RCW 69.50.401; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5498 by Senators Pullen, Warnke and Thorsness

AN ACT Relating to transportation benefit districts; and amending RCW 36.73.020, 35.21.225, and 36.73.040.

Referred to Committee on Transportation.

SB 5499 by Senators von Reichbauer, Rasmussen, Sellar, Moore, Newhouse, Lee and Johnson

AN ACT Relating to uninsured motorists; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 5500 by Senators Anderson, McMullen and Conner

AN ACT Relating to the enforcement of forest practice violations; and amending RCW 76.09.140.

Referred to Committee on Environment and Natural Resources.

SB 5501 by Senators West, Wojahn, Niemi, Johnson and Amondson (by request of Department of Corrections)

AN ACT Relating to indemnification of contract providers of health care services to the department of corrections; and adding a new chapter to Title 72 RCW.

Referred to Committee on Health Care and Corrections.

SB 5502 by Senators Amondson, Kreidler, Smith and Owen

AN ACT Relating to the sale of valuable materials; and amending RCW 79.01.132, 79.01.184, and 79.01.200.

Referred to Committee on Environment and Natural Resources.

SB 5503 by Senators Patterson, Vognild, Newhouse, Gaspard, Sellar, Bauer, Craswell, Warnke, Talmadge and Johnson

AN ACT Relating to the Cherberg scholarship program; adding new sections to chapter 28B.10 RCW; and making an appropriation.

Referred to Committee on Higher Education.

SB 5504 by Senators Bailey, Vognild, Metcalf, McMullen, Bender, West and Johnson

AN ACT Relating to providing residential care to mentally ill persons; adding new sections to chapter 71.24 RCW; creating new sections; and making appropriations.

Referred to Committee on Health Care and Corrections.

SB 5505 by Senators Bailey, McMullen, Vognild, Anderson, Metcalf, Nelson, Bender, West, Talmadge and Johnson

AN ACT Relating to a pilot program for providing residential care to mentally ill persons; adding new sections to chapter 71.24 RCW; creating new sections; and making appropriations.

Referred to Committee on Health Care and Corrections.

SB 5506 by Senators Newhouse, Gaspard, Lee, Benitz and Anderson (by request of Department of Community Development)

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

Referred to Committee on Ways and Means.

SB 5507 by Senators Newhouse, Gaspard, Anderson and Benitz (by request of Department of Community Development)

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

Referred to Committee on Ways and Means.

SB 5508 by Senators Lee, Conner and Sellar (by request of Interagency Committee for Outdoor Recreation)

AN ACT Relating to the interagency committee for outdoor recreation; and amending RCW 43.99.142.

Referred to Committee on Environment and Natural Resources.

SB 5509 by Senators West and Kreidler (by request of Department of Licensing)

AN ACT Relating to funeral directors; amending RCW 18.39.035, 18.39.045, 18.39.070, 18.39.100, 18.39.120, 18.39.173, and 18.39.250; reenacting and amending RCW 18.39.150 and 18.39.175; adding a new section to chapter 18.39 RCW; and repealing RCW 18.39.181.

Referred to Committee on Health Care and Corrections.

SB 5510 by Senators West and Kreidler (by request of Department of Licensing)

AN ACT Relating to nursing assistants; amending RCW 18.52A.030 and 18.52A.040; and repealing RCW 18.52A.060.

Referred to Committee on Health Care and Corrections.

SB 5511 by Senators West and Kreidler (by request of Department of Licensing)

AN ACT Relating to the fitting and dispensing of hearing aids; amending RCW 18.35.020, 18.35.040, 18.35.050, 18.35.080, 18.35.090, 18.35.105, 18.35.150, 18.35.190, 18.35.230, 18.35.240, and 18.35.250; and adding a new section to chapter 18.35 RCW.

Referred to Committee on Health Care and Corrections.

SB 5512 by Senators West and Kreidler (by request of Department of Licensing)

AN ACT Relating to staggering the terms of the examining board of psychology; and amending RCW 18.83.035.

Referred to Committee on Health Care and Corrections.

SB 5513 by Senators West and Kreidler (by request of Department of Licensing)

AN ACT Relating to registered nurses; amending RCW 18.88.030, 18.88.050, 18.88.070, 18.88.130, 18.88.140, 18.88.150, 18.88.280, and 18.88.285; and repealing RCW 18.88.180 and 18.88.185.

Referred to Committee on Health Care and Corrections.

SB 5514 by Senators Wojahn, Warnke, Johnson, McDonald, Niemi, Bauer, Rasmussen and West

AN ACT Relating to legislative review of budget bills; and amending RCW 43.88.060.

Referred to Committee on Ways and Means.

SB 5515 by Senators Wojahn, Vognild, Williams and Lee

AN ACT Relating to children, youth, and family programs; amending RCW 13.40.025, 13.40.027, 13.40.030, 43.121.020, 43.121.030, 43.121.040, and 43.121.060; adding a new chapter to Title 26 RCW; adding a new chapter to Title 74 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; repealing RCW 13.40.035; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5516 by Senators Wojahn, Warnke, Johnson, Niemi, Bauer, Rasmussen and West



AN ACT Relating to the disabilities land trust; amending RCW 43.185.110 and 43.185.070; adding a new section to chapter 43.185 RCW; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 5517 by Senators Wojahn, Johnson, Williams, Rasmussen, Madsen, Gaspard, Bauer, Warnke, Hansen, Smitherman and von Reichbauer

AN ACT Relating to the Washington state historical society; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5518 by Senators Benitz and Williams (by request of Washington State Energy Office)

AN ACT Relating to energy efficiency improvements in state facilities; adding a new section to chapter 43.21F RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5519 by Senators Rinehart, Bailey, Murray and Saling

AN ACT Relating to collaborative projects between higher education institutions, schools, and school districts; adding new sections to chapter 28A.04 RCW; and creating a new section.

Referred to Committee on Education.

SB 5520 by Senators McDonald and Gaspard (by request of Governor Gardner)

AN ACT Relating to state government; changing the budget process and the commencing date of regular sessions; and amending RCW 44.04.010, 43.88.060, and 43.88.110.

Referred to Committee on Ways and Means.

SB 5521 by Senators McDonald and Gaspard (by request of Governor Gardner)

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5522 by Senators Rinehart, Bailey, Murray and Lee

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

Referred to Committee on Education.

SB 5523 by Senators Gaspard, Bailey, Fleming, von Reichbauer, Talmadge, Johnson, Barr, Conner, Kreidler, Bauer, DeJarnatt, Moore, Smitherman, Stratton, Madsen, Sutherland, Williams, Rasmussen, Lee, Rinehart, Bender, Murray, Benitz, Warnke, Vognild, Hansen, Metcalf, Sellar, Wojahn, Owen and McMullen (by request of Superintendent of Public Instruction)

AN ACT Relating to annual basic education allocation of funds; and amending RCW 28A.41.140.

Referred to Committee on Education.

SB 5524 by Senators Bailey, Rinehart, Lee, Gaspard, Smith, Bluechel, Johnson, Barr, Amondson, Pullen, Nelson, Moore, Craswell, Sellar, Anderson, West, Rasmussen, Metcalf, Fleming, Benitz, Patterson, Newhouse, Murray, Stratton, Bauer, Vognild, Warnke, Wojahn, Kreidler, McMullen, Smitherman, Williams, DeJarnatt, McCaslin and Thorsness (by request of Superintendent of Public Instruction)

AN ACT Relating to provision of local education enhancement program funds; adding new sections to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 5525 by Senators Craswell, Owen, Smith, Stratton and Amondson

AN ACT Relating to foster care; amending RCW 74.15.040; reenacting and amending RCW 13.34.130; adding new sections to chapter 74.15 RCW; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children and Family Services.

SB 5526 by Senators Craswell, Sutherland, Hayner and Stratton

AN ACT Relating to fund-raising activities for individuals during legislative sessions; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 5527 by Senators Amondson and Craswell

AN ACT Relating to business and occupation tax credits for new businesses; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5528 by Senators Craswell, Metcalf, Owen, Stratton and Thorsness

AN ACT Relating to forfeiture of state-provided benefits by first-time offenders; adding a new section to chapter 69.50 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.32 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.12 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5529 by Senators Craswell, Sutherland, Metcalf, Owen, Stratton, Hayner, Thorsness and Lee

AN ACT Relating to penalties for drug offenses; amending RCW 13.40.020 and 13.40.160; reenacting and amending RCW 9.94A.120; adding a new section to chapter 69.50 RCW; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5530 by Senators Craswell, Rasmussen and Anderson

AN ACT Relating to curriculum review; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 5531 by Senators Gaspard and Bailey

AN ACT Relating to the award for excellence in education program; amending RCW 28A.03.523 and 28A.03.535; and repealing RCW 28B.15.547.

Referred to Committee on Education.

SB 5532 by Senators Rasmussen, Bender and Conner

AN ACT Relating to game and game fish; and amending RCW 77.32.230.

Referred to Committee on Environment and Natural Resources.

SB 5533 by Senators Rasmussen, Hansen, Vognild, Patterson, Thorsness, Conner, Metcalf, Benitz, Saling and Nelson

AN ACT Relating to protecting salmon and steelhead; amending RCW 75.08.012 and 77.12.240; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SJR 8211 by Senators Craswell, Amondson and Stratton

Requiring a three-fifths legislative approval of tax impositions or increases.

Referred to Committee on Ways and Means.

SCR 8403 by Senators West, Smitherman, Lee, Warnke, McMullen and Fleming

Providing for a joint select committee on employer-employee relations.

Referred to Committee on Economic Development and Labor.

## MOTIONS

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

On motion of Senator Newhouse, the Committee on Government Operations was relieved of further consideration of Senate Bill No. 5170.

On motion of Senator Newhouse, Senate Bill No. 5170 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Government Operations was relieved of further consideration of Senate Bill No. 5185.

On motion of Senator Newhouse, Senate Bill No. 5185 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 5232.

On motion of Senator Newhouse, Senate Bill No. 5232 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5317.

On motion of Senator Newhouse, Senate Bill No. 5317 was referred to the Committee on Governmental Operations.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5353.

On motion of Senator Newhouse, Senate Bill No. 5353 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5359.

On motion of Senator Newhouse, Senate Bill No. 5359 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 5404.

On motion of Senator Newhouse, Senate Bill No. 5404 was referred to the Committee on Ways and Means.

## MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, January 27, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## NINETEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 27, 1989

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Craswell, Kreidler, McMullen, Patterson, Rinehart, Smith and Stratton. On motion of Senator Warnke, Senators Bender and Rinehart were excused. On motion of Senator Anderson, Senator Patterson was excused. Their being no objection, the President Pro Tempore excused Senator Kreidler.

The Sergeant at Arms Color Guard, consisting of Pages Marianne Larson and Jonathan Tuttle, presented the Colors. Reverend Ben W. Harding, associate pastor of the United Churches of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 26, 1989

SB 5075 Prime Sponsor, Senator Smith: Changing provisions relating to investigation of water pollution. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 25, 1989

SB 5104 Prime Sponsor, Senator Anderson: Providing technical assistance for self-help projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

January 25, 1989

SB 5120 Prime Sponsor, Senator Barr: Reviving the employee ownership advisory panel and establishing the employee ownership training fund. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

January 26, 1989

SB 5126 Prime Sponsor, Senator Benitz: Amending the provisions for a surveillance fee for low-level radioactive waste disposal. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5351 Prime Sponsor, Senator Metcalf: Benefiting winter recreation activities of the state parks and recreation commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5356 Prime Sponsor, Senator Smitherman: Promoting repair of waterfront sewer systems. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 25, 1989

SB 5374 Prime Sponsor, Senator Cantu: Authorizing issuance of public waste disposal general obligation bonds. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Referred to Committee on Ways and Means.

January 25, 1989

SB 5381 Prime Sponsor, Senator Sellar: Increasing penalties for vehicular homicide due to drunken or reckless driving. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5401 Prime Sponsor, Senator Barr: Naming a state grass. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

January 26, 1989

SJM 8005 Prime Sponsor, Senator Metcalf: Requesting a dedicated trust fund for an outdoor recreation grant program. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5534 by Senators Owen, Rasmussen and Barr

AN ACT Relating to vehicle licensing and registration; amending RCW 46.16.220 and 82.44.060; and providing an effective date.

Referred to Committee on Transportation.

SB 5535 by Senators Gaspard, Madsen, Conner, Murray, Saling, Sellar and Bauer

AN ACT Relating to refund of member contributions to the teachers retirement system; and amending RCW 41.32.820.

Referred to Committee on Ways and Means.

SB 5536 by Senators McCaslin, DeJarnatt, McDonald, Bailey, Gaspard, Wojahn, West, Rasmussen, Warnke, Nelson, Vognild, Johnson, Kreidler, Pullen, Moore, Thorsness, Smith, Hansen, Conner, Saling, Sellar, Madsen, Talmadge, Fleming, Smitherman, Bender, Owen, McMullen, Sutherland and Bauer

AN ACT Relating to the state employees' benefits board; and amending RCW 41.05.055.

Referred to Committee on Governmental Operations.

SB 5537 by Senators Saling, Stratton, Newhouse, Rasmussen, Nelson, Owen, Johnson, Smitherman, Amondson, Thorsness, Lee, von Reichbauer and Sutherland

AN ACT Relating to corrections; and adding a new chapter to Title 72 RCW.

Referred to Committee on Health Care and Corrections.

SB 5538 by Senator Lee

AN ACT Relating to health studios; and amending RCW 19.142.010 and 19.142.050.

Referred to Committee on Economic Development and Labor.

SB 5539 by Senators Anderson, Lee, Smitherman and West

AN ACT Relating to the labor-management cooperation program; adding a new chapter to Title 49 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5540 by Senators Lee, Smitherman and Rasmussen

AN ACT Relating to lien foreclosure; and adding a new section to chapter 60.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 5541 by Senators Murray, Bailey, Gaspard, Lee, Rinehart, Bender, Moore, Sutherland, Talmadge, Anderson and Fleming

AN ACT Relating to the superintendent of public instruction; and amending RCW 28A.03.030.

Referred to Committee on Education.

SB 5542 by Senator Lee

AN ACT Relating to the nonprofit/for profit regulatory uniformity act; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5543 by Senators Lee, Smitherman, Kreidler and Niemi

AM ACT Relating to nonprofit corporation annual reports; and amending RCW 24.03.395.

Referred to Committee on Economic Development and Labor.

SB 5544 by Senators Anderson, Lee, Kreidler, Smitherman and Niemi

AN ACT Relating to nonprofit corporations; amending RCW 24.03.005 and 24.03.045; adding new sections to chapter 24.03 RCW; creating new sections; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5545 by Senators Smitherman and Saling

AN ACT Relating to vocational education; amending RCW 28C.04.530, 28C.04.535, and 28C.04.540; adding new sections to chapter 28C.04 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5546 by Senators Lee and Smitherman

AN ACT Relating to relocation assistance for tenants; amending RCW 82.02.020; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Economic Development and Labor.

SB 5547 by Senators Smith and West

AN ACT Relating to jail processing fees; and amending RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, 10.01.160, 10.46.190, and 10.82.070.

Referred to Committee on Health Care and Corrections.

SB 5548 by Senators Lee and Anderson

AN ACT Relating to a county tax for housing assistance for alcoholics; amending RCW 66.08.120 and 82.02.020; adding a new section to chapter 70.96 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Economic Development and Labor.

SB 5549 by Senators Lee, Williams and Anderson

AN ACT Relating to an industrial extension grant program; adding a new chapter to Title 18 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5550 by Senators Lee, Williams and Fleming

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing at current use value; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Economic Development and Labor.

SB 5551 by Senators Lee and Smitherman

AN ACT Relating to property tax exemptions for residential structures at least twenty percent of which is set aside for occupancy by low-income persons; and adding a new chapter to Title 84 RCW.

Referred to Committee on Economic Development and Labor.

SB 5552 by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

AN ACT Relating to filing requirements for interstate tariffs; and repealing RCW 81.28.070.

Referred to Committee on Transportation.

SB 5553 by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

AN ACT Relating to regulation of excursion service carriers; and amending RCW 81.68.010, 81.68.015, 81.68.020, 81.68.030, 81.68.060, 81.70.020, 81.70.220, 81.70.260, 81.70.270, 81.70.280, 81.70.290, 81.70.320, 81.70.330, 81.70.340, and 81.70.350.

Referred to Committee on Transportation.

SB 5554 by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

AN ACT Relating to railroad track scales; adding a new section to chapter 19.94 RCW; and repealing RCW 81.44.150 and 81.44.160.

Referred to Committee on Transportation.

SB 5555 by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

AN ACT Relating to railroad crossing inspection fees; and amending RCW 81.54.030.

Referred to Committee on Transportation.

SB 5556 by Senators Sellar, Hansen and Barr

AN ACT Relating to railroad property; and adding a new chapter to Title 64 RCW.

Referred to Committee on Transportation.

SB 5557 by Senators Smith, Bender, Lee, Williams, Anderson, Smitherman, Warnke, Rasmussen, von Reichbauer and Sutherland

AN ACT Relating to relocation assistance; and amending RCW 8.26.010, 8.26.035, 8.26.055, and 8.26.065.

Referred to Committee on Economic Development and Labor.

SB 5558 by Senators Smith, Murray, Lee, Bender, Madsen, Warnke, Smitherman, Rasmussen, von Reichbauer, Sutherland and Gaspard

AN ACT Relating to the sale of mobile homes and mobile home parks; and adding a new chapter to Title 64 RCW.

Referred to Committee on Economic Development and Labor.

SB 5559 by Senators Smith, Murray, Lee, Bender, Madsen, Warnke, Rasmussen, von Reichbauer, Sutherland and Gaspard

AN ACT Relating to mobile home park closure; adding new sections to chapter 59.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5560 by Senators von Reichbauer, Wojahn, Johnson, Vognild, Moore, Bauer, Warnke, Smitherman, Rasmussen, Sutherland, Fleming, Stratton, Matson, McMullen and Sellar

AN ACT Relating to health insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 48.02 RCW; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SB 5561 by Senators Barr, Sutherland, Benitz, Vognild, DeJarnatt, Sellar, Hansen, Bauer, Patterson and Nelson

AN ACT Relating to upland fin fish rearing facilities; amending RCW 90.48.200; and adding new sections to chapter 90.48 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5562 by Senators Amondson, Owen, Saling, Smith, Thorsness and Anderson

AN ACT Relating to the appointment of community college boards of trustees; amending RCW 28B.50.100; and declaring an emergency.

Referred to Committee on Higher Education.



SB 5563 by Senators McDonald, Gaspard and Rasmussen (by request of Department of Revenue)

AN ACT Relating to the date by which tax returns become due; and amending RCW 82.27.060, 82.29A.050, and 82.32.045.

Referred to Committee on Ways and Means.

SB 5564 by Senators McDonald, Gaspard and Rasmussen (by request of Department of Revenue)

AN ACT Relating to the equalization of property taxation; and amending RCW 84.48.080.

Referred to Committee on Ways and Means.

SB 5565 by Senators McDonald, Gaspard and Rasmussen (by request of Department of Revenue)

AN ACT Relating to the application of the use tax to the distribution of tangible personal property; amending RCW 82.12.020; and reenacting and amending RCW 82.12.010.

Referred to Committee on Ways and Means.

SB 5566 by Senators Metcalf, Owen and Talmadge (by request of Department of Social and Health Services)

AN ACT Relating to safe drinking water; amending RCW 70.119A.020, 70.119A.030, 70.119A.040, 70.119A.050, 43.20.050, 70.119.020, and 70.116.030; adding new sections to chapter 70.119A RCW; creating a new section; and repealing RCW 70.119A.010.

Referred to Committee on Environment and Natural Resources.

SB 5567 by Senators McCaslin and Warnke (by request of Administrator for the Courts)

AN ACT Relating to district and municipal court fees; amending RCW 3.62.060; and adding a new section to chapter 3.62 RCW.

Referred to Committee on Law and Justice.

SB 5568 by Senators von Reichbauer, Hansen, Patterson, Madsen, Sellar, DeJarnatt and Conner

AN ACT Relating to vehicle license, registration, and title fees; amending RCW 46.01-.140; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5569 by Senator Bailey

AN ACT Relating to purveyors of public water systems; and adding a new section to chapter 70.116 RCW.

Referred to Committee on Governmental Operations.

SB 5570 by Senators Anderson, Stratton and Bailey

AN ACT Relating to easements; and amending RCW 84.64.460.

Referred to Committee on Financial Institutions and Insurance.

SB 5571 by Senators Saling, Stratton, West and McCaslin

AN ACT Relating to public safety; and amending RCW 82.14B.050.

Referred to Committee on Governmental Operations.

SB 5572 by Senators West, Stratton and McCaslin

AN ACT Relating to local governmental emergency medical care and services; and amending RCW 84.52.069.

Referred to Committee on Ways and Means.

SB 5573 by Senators McCaslin and DeJarnatt

AN ACT Relating to branch offices for real estate brokers; and amending RCW 18.85.190.

Referred to Committee on Economic Development and Labor.

SB 5574 by Senators McCaslin and DeJarnatt

AN ACT Relating to license requirements for real estate transactions; and amending RCW 18.85.110.

Referred to Committee on Economic Development and Labor.

SB 5575 by Senators Rinehart and Bailey

AN ACT Relating to a municipality grant program for school districts; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5576 by Senators Sutherland, Metcalf, Owen and DeJarnatt (by request of Joint Select Committee on Marine and Ocean Resources)

AN ACT Relating to distribution of funds from offshore oil and gas activity on the federal outer continental shelf; adding new sections to chapter 43.63A RCW; and adding a new section to chapter 43.99 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5577 by Senator Bluechel

AN ACT Relating to telephone exchanges; and amending RCW 80.36.230.

Referred to Committee on Energy and Utilities.

SB 5578 by Senators Anderson, Amondson, Owen, Cantu, Smith, West, Stratton and Thorsness

AN ACT Relating to public moorage facilities and operators; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Governmental Operations.

SB 5579 by Senators McCaslin, Lee, DeJarnatt and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to reporting past due accounts to credit reporting agencies; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Governmental Operations.

SB 5580 by Senators McCaslin and DeJarnatt (by request of Office of Financial Management)

AN ACT Relating to agency write-offs of uncollectible accounts; amending RCW 50.24.200, 74.20A.220, 82.32.340, and 43.20B.030; and repealing RCW 43.20B.365 and 43.20B.625.

Referred to Committee on Governmental Operations.

SB 5581 by Senators McCaslin, DeJarnatt and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to state trust fund accountability; and adding a new section to Title 43 RCW.

Referred to Committee on Governmental Operations.

SB 5582 by Senators McCaslin, Lee, DeJarnatt and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to the authority of state agencies to charge interest on past due accounts receivable and other debts; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Governmental Operations.

SB 5583 by Senators Pullen, Newhouse, Nelson, Rasmussen and Talmadge

AN ACT Relating to the Washington business corporation act; adding a new title to the Revised Code of Washington to be codified as Title 23B; creating a new section; repealing RCW 23A.04.010, 23A.08.010, 23A.08.020, 23A.08.025, 23A.08.026, 23A.08.030, 23A.08.040, 23A.08.050, 23A.08.060, 23A.08.070, 23A.08.080, 23A.08.090, 23A.08.100, 23A.08.110, 23A.08.120, 23A.08.130, 23A.08.135, 23A.08.140, 23A.08.150, 23A.08.155, 23A.08.180, 23A.08.190, 23A.08.195, 23A.08.200, 23A.08.205, 23A.08.220, 23A.08.230, 23A.08.240, 23A.08.250, 23A.08.255, 23A.08.260, 23A.08.265, 23A.08.270, 23A.08.280, 23A.08.290, 23A.08.300,

23A.08.305, 23A.08.310, 23A.08.320, 23A.08.325, 23A.08.330, 23A.08.340, 23A.08.343, 23A.08.345, 23A.08.350, 23A.08.360, 23A.08.370, 23A.08.380, 23A.08.390, 23A.08.395, 23A.08.400, 23A.08.410, 23A.08.420, 23A.08.425, 23A.08.435, 23A.08.445, 23A.08.450, 23A.08.460, 23A.08.470, 23A.08.490, 23A.08.500, 23A.12.010, 23A.12.020, 23A.12.030, 23A.12.040, 23A.12.060, 23A.16.010, 23A.16.020, 23A.16.030, 23A.16.040, 23A.16.050, 23A.16.060, 23A.16.075, 23A.16.080, 23A.20.010, 23A.20.020, 23A.20.025, 23A.20.030, 23A.20.040, 23A.20.050, 23A.20.060, 23A.20.070, 23A.24.010, 23A.24.020, 23A.24.030, 23A.24.040, 23A.28.010, 23A.28.020, 23A.28.030, 23A.28.040, 23A.28.050, 23A.28.060, 23A.28.070, 23A.28.080, 23A.28.090, 23A.28.100, 23A.28.110, 23A.28.120, 23A.28.125, 23A.28.127, 23A.28.129, 23A.28.130, 23A.28.135, 23A.28.141, 23A.28.150, 23A.28.160, 23A.28.170, 23A.28.180, 23A.28.190, 23A.28.200, 23A.28.210, 23A.28.220, 23A.28.230, 23A.28.240, 23A.28.250, 23A.32.010, 23A.32.020, 23A.32.030, 23A.32.040, 23A.32.050, 23A.32.060, 23A.32.070, 23A.32.072, 23A.32.073, 23A.32.075, 23A.32.080, 23A.32.090, 23A.32.100, 23A.32.130, 23A.32.140, 23A.32.150, 23A.32.160, 23A.32.170, 23A.32.173, 23A.32.176, 23A.32.180, 23A.32.180, 23A.32.190, 23A.32.200, 23A.36.010, 23A.36.020, 23A.36.030, 23A.36.040, 23A.36.050, 23A.36.060, 23A.40.010, 23A.40.020, 23A.40.030, 23A.40.032, 23A.40.035, 23A.40.040, 23A.40.060, 23A.40.070, 23A.40.077, 23A.40.080, 23A.44.010, 23A.44.020, 23A.44.030, 23A.44.040, 23A.44.050, 23A.44.060, 23A.44.070, 23A.44.080, 23A.44.100, 23A.44.110, 23A.44.120, 23A.44.130, 23A.44.140, 23A.44.145, 23A.44.146, 23A.44.150, 23A.44.160, 23A.44.170, 23A.44.180, 23A.50.010, 23A.50.020, 23A.50.030, 23A.50.040, 23A.50.050, 23A.50.900, 23A.98.010, 23A.98.020, 23A.98.030, and 23A.98.050; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

**SB 5584** by Senators Sutherland, Owen and DeJarnatt (by request of Joint Select Committee on Marine and Ocean Resources)

AN ACT Relating to the management of ocean and coastal resources; amending RCW 80.50.020; adding a new chapter to Title 43 RCW; adding new sections to chapter 90.58 RCW; creating a new section; and making appropriations.

Referred to Committee on Environment and Natural Resources.

**SB 5585** by Senators Sutherland, Metcalf, Owen and DeJarnatt (by request of Joint Select Committee on Marine and Ocean Resources)

AN ACT Relating to marine geologic exploration; amending RCW 90.58.550; reenacting and amending RCW 42.17.310; adding a new section to chapter 42.17 RCW; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Environment and Natural Resources.

**SJM 8008** by Senators Sutherland, Metcalf, Owen and DeJarnatt (by request of Joint Select Committee on Marine and Ocean Resources)

Petitioning congress to amend the outer continental shelf act.

Referred to Committee on Environment and Natural Resources.

**SJM 8009** by Senators Sutherland, Metcalf, Owen and DeJarnatt (by request of Joint Select Committee on Marine and Ocean Resources)

Requesting congress to amend the outer continental shelf lands act.

Referred to Committee on Environment and Natural Resources.

**SJR 8212** by Senators Lee, Williams and Fleming

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

Referred to Committee on Economic Development and Labor.

**SCR 8404** by Senators Anderson, Lee and Saling

Creating the joint select fair competition review committee.

Referred to Committee on Economic Development and Labor.

#### MOTION

At 10:07 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

At 10:50 a.m., the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

## WASHINGTON STATE MEDAL OF MERIT AWARD CEREMONY

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

The Speaker (Representative Hine presiding) instructed the Sergeants at Arms to escort the President Pro Tempore of the Senate, Alan Bluechel, the Majority Leader, Jeannette Hayner, and the Democratic Leader, Larry Vognild, to seats on the rostrum.

The Speaker (Representative Hine presiding) invited the Senators to seats within the House Chamber.

## REMARKS BY THE SPEAKER PRO TEMPORE

The Speaker (Representative Hine presiding): "It is our privilege to again host the award ceremony for the winners of the Washington State Medal of Merit. We welcome you, President Pro Tempore Bluechel, our colleagues from the Senate, medal recipients, and all other guests who are with us today. It is a pleasure for me to give you, President Pro Tempore Bluechel, the gavel to preside over this Joint Session."

The Speaker (Representative Hine presiding) presented the gavel to President Pro Tempore Bluechel.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Bender, Craswell, Kreidler, McMullen, Patterson and Rinehart.

The Clerk of the House called the roll of the House and all members were present except Representatives Dellwo, Miller, Moyer and O'Brien.

The President Pro Tempore of the Senate appointed Senators Saling, Sellar and Bauer and Representatives G. Fisher, Rust and Beck as a special committee to escort Mrs. Booth Gardner from the State Reception Room to a seat on the rostrum.

The President Pro Tempore of the Senate, appointed Senators Anderson, Newhouse and Smitherman and Representatives Dorn, Rector and Schoon as a special committee to escort the Supreme Court Justices from the State Reception Room to seats on the rostrum of the House and within the House Chamber.

The President Pro Tempore of the Senate appointed Senators Benitz and Barr and Representatives Grant and Chandler as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

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

The President Pro Tempore of the Senate introduced Lieutenant Governor Joel Pritchard, former Lieutenant Governor John Cherberg, and First Lady Jean Gardner.

The President Pro Tempore of the Senate introduced distinguished guests seated in the north gallery. Guests present to honor Julia Butler Hansen included Mrs. Nancy Hansen, wife of Mr. David Hansen; their daughters, Elizabeth and Julia Ann Hansen, and Mr. and Mrs. Jerry Reuff. Guests of Dr. Belding Scribner included Mrs. Ethel Scribner, wife of Dr. Belding Scribner; Dr. and Mrs. Robert Scribner and their children, Alexander, Sarah, Jennifer and Peter; Dr. Albert Jonsen, Dean of the Department of Medical Ethics at the University of Washington; and research and clinical staff of the Division of Nephrology at the University of Washington Hospital and the Scribner Kidney Research Center. Guests of Dr. Charles E. Odegaard included Dr. Solomon Katz, President Emeritus of History and former Provost at the University of Washington; Dr. Robert Waldo, former Vice President for University Relations at the University of Washington; and Dr. Robert Van Citters, former Dean of the University of Washington Medical School.

## REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The purpose of the Joint Session is to present Medal of Merit awards for the third time to three deserving Washington State citizens, who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and state of Washington."

The President Pro Tempore of the Senate introduced Mr. Alan Thompson, Chief Clerk of the House of Representatives.

REMARKS BY THE CHIEF CLERK  
INTRODUCTION OF THE LATE JULIA BUTLER HANSEN

Chief Clerk Thompson: "Thank you, Mr. President, distinguished public officers and guests. It is my honor--and my assignment as surrogate for Speaker Joe King, who regrettably was taken ill yesterday--to present this highest of our state's recognitions to someone who is not here today.

"Here instead, to receive the Washington State Medal of Merit on his mother's behalf, is Julia Butler Hansen's son, David. David is the only child of Julia and Henry Hansen. In him was bred a love of this region and a devotion to its history. His heritage from his mother has become the basis for his life's work. David serves as Curator of the Fort Vancouver National Historical Site, a post he has held for the past fifteen years.

"Julia is not here, but she was here. She was here as a member of the State House of Representatives for twenty-two years of her long and distinguished career in public service. It is both fitting and humbling for me, as a former member of this House, to be asked to make this presentation in the name of so worthy a former member of this body. It is fitting, as well, that Julia's great presence, when she was among us, be acknowledged while memories of her are still strong, so as to keep strong the appreciation of an extraordinary life.

"In the City Hall at Cathlamet, in the Courthouse of Wahkiakum County, here in this House, and in the Congress of the United States, Julia set her great vitality and intelligence to small tasks and to great deeds--all with the common purpose of the common good.

"Legislators leave their marks on an ever-changing landscape of societal change. They must be measured by the scale of their time. Julia's time is past, but her mark is monumental even yet. As Chairman of the House and Joint Highway Committees for term after term, as a nine-year Chairman of the Western States Highway Policy Committee that worked to link Washington with our neighbors, and as a member of the State Transportation Commission, Julia, more than any other of her time, was this state's master road builder. Julia's landscape was Washington's countryside and communities, and her monument is this state's highway system.

"Julia Butler Hansen's pre-eminence in the transportation field did not, however, overshadow her devotion to human need in other areas or the recognition of her broad achievement. Julia was the recipient of innumerable state and national awards for education, the arts and conservation. She was the first woman to serve as Speaker Pro Tempore of this body. She came within one vote of the Speakership. She was the first woman to chair a Congressional Appropriations Subcommittee. She was for six years the Chair of a Congressional Process Reform Committee that substantially modified the rigid seniority system.

"Julia was also very human. That comes through best from her own words. This--what I am about to read you--was written by Julia to Governor Ray in a letter of resignation from the State Transportation Commission. Here are some excerpts from that letter that reflect her human qualities of compassion, humor and her legendary acerbic style:

"It is after a great deal of thought and some regret that I submit my resignation. On January 1, 1981, I will have completed forty-three years of public service--thirty-seven years in elective office (twenty-three elections) in municipal, state and federal offices, then six years on the Highway and Transportation Commission (including the Toll Bridge Authority).

"The challenge is still here, but a soberer, sadder challenge. What answers can government make today with inflation so vicious that government itself cannot fulfill its role of bettering the lives of our citizens or meeting the needs of people's economic substance?

"I should love to solve or assist in solving these state problems, but no one is indispensable. Others will serve you well and with vision and probably with more patience for the selfish, greedy, powerlusting demagogues and the ignorant, than I.

"Now, finally, Governor Ray, I seldom mention personal affairs, but my husband is ninety-seven, almost totally blind, unable to hear and has not walked or taken a step for fifteen months. I care for him at home. Help is very difficult to obtain in a small town.

"Also, Governor, it will be nice not to have to leave home at 7:30 on a winter morning and dodge the rocks on the Ocean Beach Highway to get to a meeting or wonder if the Toutle River Bridge will still be standing in the evening when I return. It will also be nice on Christmas morning not to have someone call about a ferry that serves poor french fries. I remember my first Christmas in politics--1936--as County Chairman. There was a knock at my front door at 7:30 a.m. A man and his wife stood on the porch. The gentlemen said, 'We have come to see about you calling Congressman Smith to see about getting my wife the Post Office appointment.' These visits and calls have continued three hundred and sixty-five days per year for forty-three years and there are no vacations.

"I have loved the people of this state and shall continue to give them my affection and interest. I have only gratitude for the thousands of people who have supported me."

"Now, David, it is my honor to ask you to receive on behalf of your mother, in gratitude from the people of the state of Washington, the State Medal of Merit."

The Chief Clerk presented the Medal of Merit to Mr. David Hansen for his mother, the late Julia Butler Hansen.

#### REMARKS BY DAVID HANSEN

Mr. Hansen: "Mr. President, Lieutenant Governor Cherberg, Lieutenant Governor Pritchard, Mrs. Gardner, members of the House and Senate. It is a deep honor and privilege to come here today and accept this very, very great award in memory of my mother, who served the state and nation for so long.

"It was fifty years ago this month that my mother began her legislative career in this Chamber, and it was thirty years ago that my mother served for the last time in this legislative body before going on to national service. She always did her best, at whatever the task was, to serve the constituents of her district, state and nation--with no thought to special interests and no thought to self--but always looking to the common interest and common good of those constituents and voters.

"She, as you well know, was a master legislator. There are numerous stories of her management of this House and of her many legislative battles during the twenty-two years that she served in this state. I know there are those who still have memories and legislative scars from some of those battles. My mother always considered it a great privilege and an honor to serve in the public arena. She believed that public service, no matter at what level, was of the highest calling with no other reward than being able to serve the people and, when the job was done, being able to say that she had done the best job possible for all concerned and had given her best effort.

"It is an honor to stand in this Chamber, where she stood and, in fact, from where she presided as Speaker Pro Tempore of the House. As a little boy, I remember looking down from the gallery numerous times and watching Mother preside, lead and cajole which she was so very good at. I well remember that.

"It is indeed a great honor for me to accept this in her memory. I know that her spirit is with this body, as you and the state so thoughtfully remember her for all that she was able to do. I want to thank Alan, who has been a long-time friend and who served my mother when she was in Congress, for the kind remarks that

he made in his introduction. Again, it is an honor to accept the thanks of our great state. Thank you so much."

The President Pro Tempore of the Senate introduced Chief Justice Keith Callow.

REMARKS BY CHIEF JUSTICE CALLOW  
INTRODUCTION OF DR. BELDING SCRIBNER

Chief Justice Callow: "Mr. President, distinguished public officials, members of the Legislature, guests and friends. Dr. Belding Scribner was born in Chicago, received his undergraduate degree from the University of California at Berkeley in 1941, and his Doctor of Medicine degree from Stanford in 1945. Thereafter, he spent three years at San Francisco Hospital, five years at the Mayo Clinic and has been on the University of Washington Medical School faculty since 1951.

"In the mid-1950's, Dr. Scribner began using a device called a hemodialyzer, or artificial kidney, to treat patients with temporary kidney failure. In those days, each treatment began with a surgeon inserting a glass tube in an artery and another one in a vein, usually in the forearm. The tubes provided temporary access to the circulation of blood, so that the patient's blood could be pumped through the artificial kidney, which removed the toxic materials which otherwise would have been normally excreted. At the end of each procedure, the surgeon removed the tubes and tied off the artery and vein, which thereby destroyed them and, of course, strictly limited the number of artificial kidney treatments that could be performed on any one individual.

"In January of 1960, a patient arrived at the University Hospital, suffering from acute renal failure. After several treatments on the artificial kidney, he was completely revived, but a biopsy of his kidney revealed permanent irreversible kidney disease. Dr. Scribner was forced to tell the patient's wife that the situation was hopeless.

"This case had a profound effect on Dr. Scribner, and soon after he awoke in the middle of the night with an idea that, if it worked, would make it possible to use the artificial kidney to treat patients with permanent kidney failure. The basic idea was simple. Instead of removing the tubes and tying off the vessels, Dr. Scribner decided to leave the tubes in. Then, by connecting the tube in the artery to the tube in the vein with another tube, or shunt, the blood would flow through rapidly enough to prevent clotting. To implement this idea, Dr. Scribner enlisted the help of University of Washington surgeon, Dr. David Dillard, and engineer, Wayne Quinton, who at that time was head of the Medical Instrument Laboratory. Within two months, this team had fashioned a device of plumbing fixtures and tubing made of teflon, chosen because of its smooth nonstick inner surface. This device, called an A-V shunt, was placed in the forearm of the patient by Dr. Dillard. That the experiment was a success is evident from the fact that the patient, who would have died within a few months from terminal kidney disease, survived for eleven years, returning to work shortly after the A-V shunt was in place. You may see this original A-V shunt which is being exhibited in the Rotunda.

"In 1961, a grant was obtained to test the feasibility of an out-of-hospital community artificial kidney center. The basement of the nurses' residence next to Swedish Hospital was converted into the Seattle Artificial Kidney Center which later became the Northwest Kidney Center. The project was an immediate success and brought with it a problem unprecedented in medicine--how to select from among hundreds of candidates those nine patients which the original center could accept. The King County Medical Society created a selection committee to make the selection process as fair as possible. In 1962, when Life Magazine writer Shana Alexander came to Seattle to do a story on the artificial kidney program, she focused on the activities of this committee. Her story, which appeared in the November 9, 1962, issue of Life Magazine, caused a sensation and was reprinted in similar magazines in many other countries. You may also see this addition of Life Magazine which is exhibited today in the Rotunda. The committee itself became the subject of controversy concerning the best way to make life and death medical decisions. The committee, in fact, marked a milestone in the discipline of medical ethics.

"In 1963, the experience at the Seattle Artificial Kidney Center demonstrated clearly that, if the treatment was to be expanded to meet demand, it would have to

be simplified, improved and its cost drastically reduced. Consequently, Dr. Scribner in 1963, walked across the bridge that connects the medical school with the upper campus at the University of Washington and gave a talk describing these problems to a group of professors in the School of Engineering. The result was a research collaboration between Dr. Scribner's medical team and an engineering team headed by Dr. Albert L. Babb, then Chairman of the Department of Nuclear Engineering. This collaborative program proved highly successful. Indeed, most of the major technical and medical advances, that brought dialysis out of the research/demonstration stage and made it widely available as a treatment, were made by collaborative research efforts. In addition to these research accomplishments, the Scribner/Babb team trained numerous physicians and engineers worldwide, who went on to make important contributions of their own.

"Dr. Belding Scribner has given hope and life to many. He has contributed immeasurably to the advancement of medical knowledge and medical science. The people of the state of Washington are fortunate to have such a giant among us, whom we claim with great pride. Dr. Scribner, would you come forward to receive the Medal of Merit."

Chief Justice Callow presented the Medal of Merit to Dr. Belding H. Scribner.

#### REMARKS BY DR. SCRIBNER

Dr. Scribner: "This is clearly one of the great moments of my life. I want to thank all of you for conferring upon me this very great honor.

"You have heard from the Chief Justice why I received this medal. It may seem a bit paradoxical to you that I am not going to talk about life support, to which I have devoted my life, but I am going to talk to you about a very morbid and serious subject called death and dying. As you have heard, I personally became very deeply involved in this issue in the early days of our artificial kidney program with what came to be known as 'the infamous Seattle life and death committee.' It is so vividly described in that article by Shana Alexander, which is in the exhibit in the Rotunda.

"The time is obviously short and the situation is very complicated, so I am going to take the liberty of making a very simple classification of the issue of death, a sort of a spectrum. At one end of the spectrum we have natural death, and I won't say anything more about that.

"In the middle of this spectrum, is a large and growing number of incidents which I will arbitrarily call high-tech death. Let me give you a typical scenario: An elderly lady with a moderate disability enters the hospital to have a major procedure to improve her quality of life. Things go badly, unfortunately, and she ends up in the intensive care unit, the ICU. She is on a respirator; we're running her on an artificial kidney; she is getting total peritoneal nutrition. Despite the best efforts of the life support team in the ICU, death comes in a matter of days or weeks. The cost of this entire episode often runs into six figures. This is what I mean by the term high-tech death. And lest you think this is an unusual occurrence, please be aware of the fact that about fifty percent of the Medicare budget currently is spent on the beneficiary during the last six months of life.

"I have talked to you about natural death and, in the middle, high-tech death. Now, just a few words about the other extreme, prolonged high-tech death. Prolonged high-tech death can be divided into two categories, medical and legal. Medical high-tech death is a relatively new phenomenon. What happens is that a patient in the intensive care unit reaches a precarious balance where the life support team is able to stave off the death, but the patient becomes fully dependent on the life support systems that are supplied in the intensive care unit. The situation goes on and on in sort of a static, semi-stable state. There is, right now in an ICU in this state, a patient who has been there for over a year. The suffering that has been going on among the family, the medical staff and all concerned is immeasurable. The cost is now exceeding one million dollars. The patient continues to hang on. There is no end in sight--prolonged high-tech medical death.

"The legal type of high-tech death is exemplified by the case of Mr. Brophy. Mr. Brophy was a fireman in Boston, and he died, or almost died, while fighting a fire. Somehow they revived him, and he lived, but he was brain dead. His brain was irreversibly damaged. He stayed in an ICU in a Boston hospital for three and



one-half years on total peritoneal nutrition, high-tech nutritional support, antibiotics and so on, while the family pleaded to have the treatment stopped. This case worked its way through the Massachusetts court system, and in the late fall of 1987, the Supreme Court in the state of Massachusetts finally granted permission to stop the nutrition on Mr. Brophy and he died--three and one-half years and millions of dollars. We have had similar cases in this state, and we will have more unless you people here in the Legislature address this issue in a realistic and forward-seeing manner.

"I would like to close these rather somber remarks with a lighter note. I was at the SeaHawks' game a couple of weeks ago and my wallet was stolen. I, of course, had to get a new driver's license. I noticed, when I went to get the new license, that there was no sign about organ donation around anywhere. When the duplicate license came, it didn't say anything on it about being an organ donor. In the meantime, whoever stole my wallet dropped the thing in the mailbox. I had to pay the postage, but I did get it back--less the money. It says, 'organ donor' there on my original. So, something has gone amiss in the Department of Motor Vehicles and you might want to look it up, because I feel very strongly about this issue of organ donation. I am looking at you through donated cornea. Indeed, I had my first corneal transplant in 1950, when I was going blind as a medical student. It saved my career. Since then, I have had three additional corneal transplants. Somewhere out there are four nice people, who didn't die in vain because their cornea have kept me in business all these years.

"Finally, I brought along a little check list which is a map to constructing a living will, or durable power of attorney. It is not a legal document, but it contains all the vital information you need. There are copies of this for those of you who are interested out at our exhibit in the foyer. Thank you very much.

The President Pro Tempore introduced Mrs. Jean Gardner.

REMARKS BY MRS. JEAN GARDNER  
INTRODUCTION OF DR. CHARLES ODEGAARD

Mrs. Gardner: "Thank you, Mr. President. You have heard that Booth is in Washington, D.C., but he wanted me to let you know how much he wanted to be here to honor these extraordinary people today.

"We can focus on the importance of the Medal of Merit by remembering those who have received it for the past two years: Scoop Jackson, Warren Magnuson, Eddie Carlson, Dorothy Bullitt, Dr. William Hutchinson of the Fred Hutchinson Cancer Research Center, heart specialist, Dr. Lester Sauvage, and Dr. Orville Vogel from Washington State University, whose research helped revolutionize agriculture in the state of Washington. This is distinguished company indeed.

"It is a very special honor and privilege for me to introduce and present the Medal of Merit to Dr. Charles Odegaard, President Emeritus of the University of Washington. You see, I consider him my President. When he arrived at the U, I was just a sophomore and I had the privilege of being a student under his reign for two and one-half years and of receiving my diploma from Dr. Odegaard.

"He was President of the University of Washington from 1958-1973. We all know that the University has always had a good reputation, but it was during his tenure that the University gained significantly in natural stature, for the quality of its teaching, the quality of its research, and the quality of its football team.

"Charles Odegaard is a product of the Chicago public schools, a graduate of Dartmouth College, and earned his master's and doctorate degrees from Harvard University. He was a Professor of History at the University of Illinois with a four-year leave of absence to serve in the Navy where he rose to the rank of Lieutenant Commander during World War II. He was a Professor of History and Dean of the College of Literature, Science and the Arts at the University of Michigan before coming to the University of Washington. He knew he made the right choice after seeing the Huskies beat the University of Michigan in the Rose Bowl.

"Dr. Odegaard has always had his hands in a variety of other interests at the same time. He served in various capacities in such agencies as the United States Information Agency, the National Endowment for Humanity, Advisory Committee on ROTC for the Secretary of Defense, the U.S. Public Health Service, the National Academy of Sciences, and the Washington State Bar Association. He also served in

community organizations such as the Pacific Science Center, the Seattle Chamber of Commerce, the Seattle Public Library, and the Seattle Symphony Orchestra. The list goes on and on.

"He has been in great demand as a speaker and as a consultant on higher education throughout this country and in such foreign countries as England, France, the Netherlands, Denmark, West Germany, Switzerland, Rumania, Mexico, Japan, Korea and Greece. He also has been a forceful figure in the national debate regarding the quality of medical treatment, leading to significant improvements in the quality of physicians' training.

"It is his performance as President of the University of Washington for which he is most remembered. During the 1960's, he led the University through perhaps the most difficult time it ever faced. There were student disturbances, violence on campus and even one determined effort to literally shut down the University. Dr. Odegaard held the University together. He moved to respond to real grievances and, in dealing with the protests of the Black community, he took steps which permanently modified the University and made it a place in which minority students can feel a genuine and rewarding membership. As a result, the highest award that can be given to a member of the community by the University's Equal Opportunity Program is named in his honor, the Charles E. Odegaard Award.

"In short, Charles Odegaard, through his vision, his compassion and his zeal, has touched our lives in countless ways. It gives me great pleasure to present the Medal of Merit to Charles E. Odegaard, truly one of this state's most distinguished citizens and most valuable resources.

Mrs. Gardner presented the Medal of Merit to Dr. Charles E. Odegaard.

#### REMARKS BY DR. ODEGAARD

Dr. Odegaard: "Mrs. Gardner, ladies and gentlemen of the Executive, Legislative and Judicial branches of the government. It gives me great pleasure to stand before you in this hall for which I have a number of remembrances going back now over thirty years. I am particularly pleased that this award comes from representatives of our government in the state of Washington.

"I first became conscious of public servants at work when I went to Washington, D.C., in 1948, as head of the National Organization for the Humanities and found myself in frequent contact with what were called, rather commonly in those days, bureaucrats and politicians--that is to say, a variety of persons associated with public offices in the various branches of the federal government in Washington, D.C. I learned to develop, as I had not had an opportunity to do before, great respect for the motivations, abilities and problems that had to be faced by members of the government, by public servants. It left in my mind a concern about the degree to which our educational institutions, which addressed many different kinds of problems encountered in human society, had really faced up to the importance of the role of public servants in our society.

"That experience in Washington, D.C., was further expanded by my experiences here in the state of Washington, in this very building and on occasion in this very room. I found that the tradition of bashing public servants seemed to be singularly ill-advised in the nation which endeavored to find a democratic way of reaching the common will through public servants. We in this country have a way of moving between the private and public sector with an ease which is not commonly found in many other parts of the world.

"I am proud of one thing that occurred at the University of Washington in my time. That is the founding of the Graduate School of Public Affairs as recognition by the University of the desirability of having learning opportunities, teaching opportunities and research opportunities on matters of concern to public servants which aid them in their official functioning. There had been, as far as private entrepreneurship was concerned, a tradition going back roughly to the 1920's, of the establishment of what in the beginning were often called Colleges of Commerce. It seemed to me that we really needed to have a School of Public Administration to go along with the private administration, if you will, in the entrepreneurial section of our society. Both the public and the private have elements pertaining to the common will of all of us.

"I want to affirm that many of the things which developed at the University of Washington during my time as President required the participation and the understanding of people in the government and, indeed, of many individuals who have been seated in this very room in the past. I do not believe that this is the first time that I have had the privilege of appearing before a Joint Session. It happened back in the 60's that there was a Joint Session of the House and Senate, in which I was one of the speakers addressing problems associated with the development of higher education. That was an unusual action on the part of the Legislature, but this is by no means the only unusual thing which occurred.

"What I really wish to do is to express my gratitude to the public servants of the state of Washington who, in my understanding of things, contributed greatly to the rationalization and the expansion of the services of higher education in its many forms within this state. I come to you, the recipients of my expression of appreciation, for the part which you and your predecessors played in the evolution of a far more rational distribution of educational opportunities at the higher level than had existed previously--of multiple institutions, of differing but coordinated types and functions. It is not easy to keep that kind of institution going because of its complexity. It does need understanding.

"I think we have been through a period when there was essentially, I think, a relative decline in the effectiveness of the educational system in this state. The losers, unfortunately, are ourselves, the citizens here. We have not invested the amount of energy, interest and money in the education of ourselves that we should have done. There is a new breeze blowing. I want to say that it looks to me very much like a breeze, which I saw in the 1960's, and which I acknowledge with respect and gratitude.

"I place a particular value on your kind statements about me here today, but I think that you should share in the credit. Thank you, ladies and gentlemen.

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "As we finish this ceremony, I want to say one thing about the participants. All of the winners of the Medal of Merit of the state of Washington are people who have influenced this state in major ways, and the effects will be with us for a long time. We all have that opportunity. We have before us three people--one who is no longer with us--who really dedicated their lives to making the state of Washington a better place in which to live. That influence and their lives will be long remembered."

The President Pro Tempore of the Senate instructed the special committee to escort Lieutenant Governor Pritchard, former Lieutenant Governor Cherberg and Mrs. Gardner to the State Reception Room.

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

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

#### MOTION

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

The President Pro Tempore of the Senate returned the gavel to the Speaker of the House of Representatives (Representative Hine presiding).

The Speaker (Representative Hine presiding) instructed the Sergeants at Arms of the House and Senate to escort the President Pro Tempore of the Senate, Alan Bluechel, the Majority Leader, Jeannette Hayner, the Democratic Leader, Larry Vognil, and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 11:29 a.m. by President Pro Tempore Bluechel.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 5450.

On motion of Senator Newhouse, Senate Bill No. 5450 was referred to the Committee on Education.

MOTION

At 11:31 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Monday, January 30, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## TWENTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 30, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Laura Roseberry and Matt Stender, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 27, 1989

SB 5078 Prime Sponsor, Senator Newhouse: Modifying the measure of tax on insurance agents, brokers, or solicitors. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Matson, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5083 Prime Sponsor, Senator Smith: Clarifying appropriate instruction in braille for blind students. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 27, 1989

SB 5085 Prime Sponsor, Senator von Reichbauer: Regulating financial planners. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5085 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, Matson, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5142 Prime Sponsor, Senator McCaslin: Changing the year end fiscal report requirement. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5144 Prime Sponsor, Senator Pullen: Preserving documents recorded with the county auditors. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5144 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5150 Prime Sponsor, Senator Bender: Declaring prisoner of war recognition day. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5171 Prime Sponsor, Senator Fleming: Establishing educational activities for Martin Luther King, Jr. Day. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5174 Prime Sponsor, Senator Benitz: Furthering the state hydropower plan. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Williams.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5203 Prime Sponsor, Senator Anderson: Establishing the Washington state self-employment loan program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

January 24, 1989

SB 5368 Prime Sponsor, Senator Nelson: Changing the criteria for determining priority for urban arterial improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, DeJarnatt, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

January 27, 1989

SB 5456 Prime Sponsor, Senator von Reichbauer: Exempting certain financial

and commercial information from public disclosure. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Matsen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5523 Prime Sponsor, Senator Gaspard: Revising provisions for annual basic education allocation of funds. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENTS

January 26, 1989

GA 9000 CHARLES ALEXANDER, appointed April 4, 1988, for a term ending July 26, 1993, as a member of the Personnel Appeals Board. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules.

January 26, 1989

GA 9007 THOMAS M. BURNS, appointed November 15, 1988, for a term ending January 4, 1991, as a member of the Personnel Board. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5586 by Senator Smith

AN ACT Relating to commercial fishing licenses; and amending RCW 75.28.035.

Referred to Committee on Environment and Natural Resources.

SB 5587 by Senators Smith and Johnson

AN ACT Relating to transfer of law enforcement officers; and amending RCW 41.14-.080 and 41.12.050.

Referred to Committee on Economic Development and Labor.

SB 5588 by Senators Patterson, Kreidler, Nelson, Sutherland, Johnson and Benitz

AN ACT Relating to exemption of forest products from motor freight carrier regulation; and amending RCW 81.80.040.

Referred to Committee on Transportation.

SB 5589 by Senators Pullen, Rasmussen, McCaslin, Benitz, Gaspard, von Reichbauer and Johnson

AN ACT Relating to offender scores for serious violent offenses; reenacting and amending RCW 9.94A.360; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5590 by Senators Conner, Johnson, Newhouse, Rasmussen, Hansen and von Reichbauer

AN ACT Relating to firefighters; amending RCW 41.24.030, 41.24.150, 41.24.160, 41.24.170, 41.24.180, 41.24.010, 41.24.020, 41.24.040, 41.24.050, 41.24.080, 41.24.110, 41.24.140, 41.24.175, 41.24.190, 41.24.200, 41.24.210, 41.24.220, 41.24.230, 41.24.240, 41.24.250, 41.24.290, and 41.24.310; adding new sections to chapter 41.24 RCW; repealing RCW 41.24.031; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5591** by Senators Patterson, DeJarnatt and Sellar (by request of Department of Transportation)

AN ACT Relating to franchises on highway rights-of-way; amending RCW 47.44.060 and 47.04.090; and prescribing penalties.

Referred to Committee on Transportation.

**SB 5592** by Senators Patterson, DeJarnatt and Sellar (by request of Department of Transportation)

AN ACT Relating to damages to facilities located on state highways; and adding a new section to chapter 47.44 RCW.

Referred to Committee on Transportation.

**SB 5593** by Senators Patterson, DeJarnatt, McMullen, Nelson, Thorsness, Barr and von Reichbauer (by request of Department of Transportation)

AN ACT Relating to vehicle length; and amending RCW 46.44.030.

Referred to Committee on Transportation.

**SB 5594** by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner, Niemi and Sutherland

AN ACT Relating to out-of-state prescriptions; amending RCW 69.41.030 and 69.50.101; creating a new section; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

**SB 5595** by Senators Nelson, Wojahn, Smith, Conner, Newhouse, Niemi, von Reichbauer and Johnson

AN ACT Relating to distribution of drug samples; amending RCW 69.45.050; creating a new section; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

**SB 5596** by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner and Niemi

AN ACT Relating to consumers' choice of pharmacies; adding a new section to chapter 48.42 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

**SB 5597** by Senators Nelson, West, Newhouse, Smith, Conner, Wojahn and Niemi

AN ACT Relating to limiting strict liability of pharmacists; adding a new section to chapter 18.64 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

**SB 5598** by Senators Kreidler, Lee, Niemi and Vognild

AN ACT Relating to providing limited duty work or leave for pregnant fire fighters and law enforcement officers; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

**SB 5599** by Senators Smitherman, Lee and Barr

AN ACT Relating to the rural affairs advisory committee; adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Economic Development and Labor.



SB 5600 by Senators Talmadge, Fleming and Lee

AN ACT Relating to the local taxation of the sale or distribution of motor vehicle fuels; amending RCW 82.36.440 and 82.38.280; and adding a new chapter to Title 82 RCW.

Referred to Committee on Transportation.

SB 5601 by Senators Talmadge and Kreidler

AN ACT Relating to public notice of significant releases of hazardous substances; and adding a new section to chapter 70.-- RCW.

Referred to Committee on Environment and Natural Resources.

SB 5602 by Senators Rasmussen, McMullen and Niemi

AN ACT Relating to disputed industrial insurance claims; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Economic Development and Labor.

SB 5603 by Senator Rasmussen

AN ACT Relating to experience rating of the industrial insurance medical aid fund; adding a new section to chapter 51.16 RCW; repealing section 1, chapter 337, Laws of 1985 (uncodified); repealing section 2, chapter 337, Laws of 1985 (uncodified); and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5604 by Senators Smitherman, Warnke, Vognild, Bauer, DeJarnatt, Williams and Rasmussen

AN ACT Relating to notice of temporary total disability; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Economic Development and Labor.

SB 5605 by Senators Bender, Warnke, Vognild, DeJarnatt, Williams and Rasmussen

AN ACT Relating to maintaining employee benefits; amending RCW 51.32.090; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5606 by Senators Rasmussen, Vognild and McMullen

AN ACT Relating to workers' compensation; and amending RCW 51.32.090 and 51.32.095.

Referred to Committee on Economic Development and Labor.

SB 5607 by Senators Rasmussen, Vognild and Niemi

AN ACT Relating to duties of employers for industrial insurance purposes; amending RCW 51.28.050; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 5608 by Senators Rasmussen and Vognild

AN ACT Relating to self-insured industrial insurance claims; amending RCW 51.52.130; and adding new sections to chapter 51.28 RCW.

Referred to Committee on Economic Development and Labor.

SB 5609 by Senators Owen, McDonald and Gaspard (by request of Commissioner of Public Lands)

AN ACT Relating to the forest fire protection and fire fighting responsibilities of the department of natural resources; amending RCW 76.04.610 and 76.04.630; and adding a new section to chapter 36.82 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5610 by Senators West and Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to medical assistance; amending RCW 74.09.730, 74.09.522, 74.09.700, 74.09.510, and 18.71.210; adding a new section to chapter 70.24 RCW; and repealing RCW 48.46.150.

Referred to Committee on Health Care and Corrections.

SB 5611 by Senators Benitz, Madsen and Barr

AN ACT Relating to public water systems; amending RCW 43.20A.600, 43.20.050, 80.04.010, 80.04.110, 80.28.030, 80.28.040, 80.28.110, 36.94.140, 43.155.070, 58.17.130, 70.119A.020, 70.119A.030, 70.119A.040, 70.119A.050, 43.20.050, 70.119.020, and 70.116.030; adding a new section to chapter 7.60 RCW; adding a new section to chapter 8.25 RCW; adding a new section to chapter 36.94 RCW; adding new sections to chapter 43.20 RCW; adding a new section to chapter 70.116 RCW; adding new sections to chapter 70.119A RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 80.12 RCW; creating a new section; repealing RCW 70.119A.010; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5612 by Senators Thorsness, Bender, Johnson and Sutherland

AN ACT Relating to special license plates for purple heart recipients; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5613 by Senators Niemi, Pullen, Talmadge and Benitz

AN ACT Relating to preventing known drug traffickers from returning to areas and neighborhoods where they are known to be engaged in illegal drug activity; adding a new chapter to Title 10 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5614 by Senators West, Johnson and Wojahn

AN ACT Relating to implementation of voluntary substance abuse monitoring programs for the regulated health professions; adding a new section to chapter 18.32 RCW; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Health Care and Corrections.

SB 5615 by Senators Bailey, Rinehart, Pullen and Saling

AN ACT Relating to providing for special programs for academically highly capable students in the common school system; amending RCW 28A.58.217; and creating a new section.

Referred to Committee on Education.

SB 5616 by Senators McDonald, Gaspard, Rasmussen, Rinehart, Moore, Smitherman, Talmadge, Johnson, Bailey and Fleming

AN ACT Relating to the identification of levy reduction funds in the appropriations act; amending RCW 84.52.0531; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5617 by Senator Fleming

AN ACT Relating to the mathematics, engineering, and science achievement program; and amending RCW 28A.03.430 and 28A.03.432.

Referred to Committee on Higher Education.

SB 5618 by Senator Fleming

AN ACT Relating to athletic trainers; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5619 by Senator Talmadge

AN ACT Relating to the housing trust fund; and amending RCW 82.45.060.

Referred to Committee on Ways and Means.

SB 5620 by Senator Gaspard

AN ACT Relating to developmental disabilities; and amending RCW 71A.10.020.

Referred to Committee on Health Care and Corrections.

SB 5621 by Senators Gaspard, Warnke and Murray

AN ACT Relating to mobile home rent control; and adding a new chapter to Title 59 RCW.

Referred to Committee on Economic Development and Labor.

SB 5622 by Senators Craswell, Nelson and Lee (by request of Human Rights Commission)

AN ACT Relating to discrimination in real estate transactions against physically disabled persons who use guide dogs; and amending RCW 49.60.222.

Referred to Committee on Economic Development and Labor.

SB 5623 by Senators Amondson, Owen and DeJarnatt (by request of Commissioner of Public Lands)

AN ACT Relating to the sale of valuable materials from state-owned tidelands and shorelands; amending RCW 79.90.210, 79.90.240, and 79.96.080; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Environment and Natural Resources.

SCR 8405 by Senators Hayner, Sellar and Newhouse

Adopting the Joint Rules of the Senate and the House of Representatives.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8405 was advanced to second reading and placed on the second reading calendar.

MOTION

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

The Senate was called to order at 11:28 a.m. by President Pritchard.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9086, Harold (Hal) S. Zimmerman, as a member of the Pollution Control Hearings Board, was confirmed.

Senators Bauer, Rasmussen and McCaslin spoke to the confirmation of Harold (Hal) Zimmerman as a member of the Pollution Control Hearings Board.

APPOINTMENT OF HAROLD (HAL) S. ZIMMERMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Nelson, Pullen - 2.

Excused: Senators Fleming, Saling - 2.

MOTION

On motion of Senator Anderson, Senator Nelson was excused.

## MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9025, Christine Gregoire, as Director of the Department of Ecology, was confirmed.

Senator Hayner spoke to the confirmation of Christine Gregoire as Director of the Department of Ecology.

## APPOINTMENT OF CHRISTINE GREGOIRE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Nelson, Saling - 3.

## PERSONAL PRIVILEGE

Senator Murray: "Mr. President, I rise to a point of personal privilege. I understand that upon your first speech on the Senate floor you give out cigars and candy. I notice that my esteemed colleague, Senator Sutherland, did have cigars and since I'm not a smoker, I have something equally appropriate and with your permission, I would like to have the Pages pass them out to you."

## MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9069, Hugh D. Spitzer, as a member of the Puget Sound Water Quality Authority was confirmed.

## APPOINTMENT OF HUGH D. SPITZER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Nelson, Saling - 3.

## MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Bill No. 5377.

## SECOND READING

SENATE BILL NO. 5377, by Senators McDonald, Gaspard, West, Talmadge, Sellar, Bailey, Craswell, Cantu, Hayner, Smitherman, Wojahn, McMullen, Smith, Sutherland, Murray, Niemi, Stratton and Anderson

Appropriating money for the alcoholism and drug addiction treatment and support act.

## MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5377 was substituted for Senate Bill No. 5377 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, Substitute Senate Bill No. 5377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## PERSONAL PRIVILEGE

Senator Smitherman: "Thank you, Mr. President, and ladies and gentlemen of the Senate. I support this measure, but as a point of personal privilege, I note that in our bill books this particular bill is not present and that bothers me to some degree as it is a complex issue and I would very much like to have that sort of thing before us in our bill books where possible, particularly on complex issues."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I didn't quite get what you were saying about the court decision. Could you repeat that?"

Senator McDonald: "Senator Rasmussen, in Judge Casey's decision, of June 29, on the ADATSA program on dealing with the dormitory requirements in holding them to be unconstitutional, she said, 'I do not know that we can trust the social mores of law makers.' I find that statement to be really a difficult one, as a member of the first branch of government, to accept from another branch of government. I think that we are duly-elected and we do reflect the social mores, certainly, of our district and of the state as a whole and I think that's a direct challenge to our authority."

Senator Rasmussen: "A further question. Using this attitude, any laws that we pass would be not subject to a constitutional question which we, of course, know they are--but subject to this opinion of what we're doing here."

Senator McDonald: "Yes, I do believe that it is her opinion that she feels superior to this branch of government as far as social mores. I think we have to make it clear that we do have a belief and we do want to, within the constitutional confines, be able to put that belief forward and make it stick."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5377.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5377 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Nelson, Saling - 3.

SUBSTITUTE SENATE BILL NO. 5377, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5061, by Senators Smith, DeJarnatt, Metcalf, Benitz and Rasmussen

Excepting smelt from personal use license requirements.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5061 was substituted for Senate Bill No. 5061 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5061.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Sutherland - 1.

Excused: Senators Fleming, Nelson, Saling - 3.

SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGES FROM THE HOUSE

January 27, 1989

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4405, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 25, 1989

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4404.

HOUSE CONCURRENT RESOLUTION NO. 4405.

## MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 31, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

**TWENTY-THIRD DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, January 31, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Jules Lambert and Janielle Pelroy, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1989

SB 5009 Prime Sponsor, Senator Anderson: Changing exemptions for vessel registration. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, DeJarnatt, Hansen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1989

SB 5079 Prime Sponsor, Senator Pullen: Discussing variable interest rates in relation to the uniform commercial code. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1989

SB 5111 Prime Sponsor, Senator Pullen: Modifying work release provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5111 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1989

SB 5299 Prime Sponsor, Senator Thorsness: Permitting voters to receive assistance in voting. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5441 Prime Sponsor, Senator von Reichbauer: Licensing commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5441 be substituted therefor, and the substitute bill do pass. Signed by Patterson, Chairman; Nelson, Vice Chairman; Barr, DeJarnatt, Hansen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1989

SB 5480 Prime Sponsor, Senator Pullen: Clarifying the crime of malicious harassment. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

January 30, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1001,

HOUSE BILL NO. 1002,

HOUSE BILL NO. 1003,

SUBSTITUTE HOUSE BILL NO. 1004,

SUBSTITUTE HOUSE BILL NO. 1005,

HOUSE BILL NO. 1022,

SUBSTITUTE HOUSE BILL NO. 1088, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5624 by Senators Craswell, Anderson, Smith, Owen, Hayner, Nelson, Stratton, Johnson, Amondson and Rasmussen

AN ACT Relating to high-risk youth; amending RCW 13.04.011, 13.04.030, 13.04.040, 13.04.093, 13.04.240, 13.04.300, 13.06.010, 13.06.030, 13.06.040, 13.06.050, 13.32A.010, 13.32A.030, 13.32A.050, 13.32A.080, and 13.32A.250; adding new sections to chapter 13.32A RCW; repealing RCW 13.32A.100, 13.32A.120, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.180, 13.32A.190, 13.32A.060, 13.32A.070, 13.32A.090, and 13.32A.130; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5625 by Senators Smith, Bauer and Amondson

AN ACT Relating to a special senior citizen salmon and steelhead bank fishing recreation area; adding a new section to chapter 75.08 RCW; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5626 by Senators Kreidler and Talmadge

AN ACT Relating to the reduction of air pollution from forest debris burning; adding new sections to chapter 70.94 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5627 by Senator Kreidler

AN ACT Relating to financial solicitations, expenditures, and disclosures by nonprofit organizations; amending RCW 42.17.020, 42.17.100, and 19.09.100; and adding a new section to chapter 19.09 RCW.

Referred to Committee on Law and Justice.

SB 5628 by Senators Kreidler, Lee and DeJarnatt



AN ACT Relating to the natural death act; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.050, 70.122.060, 70.122.070, 70.122.080, and 70.122.090; adding new sections to chapter 11.94 RCW; and adding new sections to chapter 70.122 RCW.

Referred to Committee on Health Care and Corrections.

SB 5629 by Senators Kreidler, Owen and Gaspard

AN ACT Relating to hazardous waste cleanup; amending RCW 70.---,--- (Initiative Measure No. 97); and adding new sections to chapter 70.--- RCW.

Referred to Committee on Environment and Natural Resources.

SB 5630 by Senators Anderson and Newhouse

AN ACT Relating to public works projects; and amending RCW 43.155.020.

Referred to Committee on Ways and Means.

SB 5631 by Senators West, Smitherman, Anderson, Warnke, Lee, Saling and Smith

AN ACT Relating to establishing an interstate compact on international trade; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5632 by Senators Rinehart and Bailey

AN ACT Relating to before-and-after school care; amending RCW 74.15.020; adding new sections to chapter 28A.34 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5633 by Senators Moore and Bailey

AN ACT Relating to foreign languages; adding new sections to chapter 28A.03 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 5634 by Senator Sutherland

AN ACT Relating to vessel operator licenses; and amending RCW 75.28.035.

Referred to Committee on Environment and Natural Resources.

SB 5635 by Senators Lee and Bender

AN ACT Relating to a county tax for housing assistance for alcoholics; amending RCW 66.08.120 and 82.02.020; adding a new section to chapter 70.96 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways and Means.

SB 5636 by Senators Smitherman and Lee (by request of Employment Security Department)

AN ACT Relating to unemployment compensation benefits, claims, recovery, appeals, and confidentiality; amending RCW 50.20.098 and 50.20.190; and adding a new section to chapter 50.13 RCW.

Referred to Committee on Economic Development and Labor.

SB 5637 by Senators Anderson, Rasmussen, Metcalf and Craswell

AN ACT Relating to the state board of education; amending RCW 28A.04.174, 28A.04.176, 28A.04.178, and 28A.70.040; reenacting and amending RCW 28A.04.120; and repealing RCW 28A.70.042.

Referred to Committee on Education.

SB 5638 by Senators Smitherman, Sutherland, Bauer, DeJarnatt, Conner and Gaspard

AN ACT Relating to limited admissibility, with prior judicial approval, of evidence obtained pursuant to interceptions or transmissions of conversations concerning illegal controlled substances; amending RCW 9.73.090; adding a new section to chapter 9.73 RCW; creating new sections; and repealing RCW 9.73.050.

Referred to Committee on Law and Justice.

SB 5639 by Senators Warnke, Smitherman, Conner, Vognild, Talmadge, Kreidler, DeJarnatt, Niemi, Gaspard, McMullen and Murray

AN ACT Relating to maintaining existing collective bargaining agreements; adding a new section to chapter 49.36 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5640 by Senators Amondson, Talmadge and Owen (by request of Department of Ecology)

AN ACT Relating to the motor vehicle inspection and maintenance program; amending RCW 46.16.015, 70.120.040, 70.120.070, and 70.120.120; adding new sections to chapter 70.120 RCW; repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified); and providing an expiration date.

Referred to Committee on Transportation.

SB 5641 by Senators von Reichbauer and Moore

AN ACT Relating to service charges on vessel retail installment contracts; and amending RCW 63.14.130.

Referred to Committee on Financial Institutions and Insurance.

SB 5642 by Senators Patterson, Vognild and Williams (by request of Governor Gardner)

AN ACT Relating to a fiscal reform; amending RCW 82.16.050, 82.08.020, 82.03.130, 82.03.140, 43.135.030, 43.135.040, 43.135.050, 43.135.060, 43.135.070, 43.88.530, 43.88.030, 43.88A.020, 43.63A.065, 43.88.110, 43.41.110, 35.21.870, 82.46.010, 82.14.200, 82.44.150, 43.84.092, 84.55.010, 84.55.020, 82.36.025, 46.16.060, 46.16.065, 46.16.079, 46.16.080, 46.16.085, 46.16.090, 46.16.121, 46.16.160, 46.16.310, 46.16.315, 46.16.460, 46.16.505, 46.16.630, 46.44.047, 46.44.0941, 46.44.095, 46.68.030, 46.44.096, 39.34.030, 82.36.440, and 82.38.280; reenacting and amending RCW 46.16.070; adding a new section to chapter 82.04 RCW; adding a new Title 82A to the Revised Code of Washington; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.03 RCW; adding new sections to chapter 43.88 RCW; adding a new section to chapter 44.48 RCW; adding new sections to chapter 82.02 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 82.14 RCW; adding a new chapter to Title 36 RCW; adding a new section to chapter 46.16 RCW; adding a new chapter to Title 81 RCW; creating new sections; repealing RCW 82.04.300; prescribing penalties; providing an expiration date; making appropriations; providing effective dates; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5643 by Senators Bluechel, Bender, McDonald, Kreidler, Bailey, McMullen, Johnson, Niemi, Thorsness, Lee, Smitherman and West

AN ACT Relating to a cross-state centennial trail; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5644 by Senators Bluechel, Bender, McDonald, Kreidler, Bailey, McMullen, Johnson, Niemi, Vognild, Lee, Smitherman and West

AN ACT Relating to the Milwaukee Road; and amending RCW 43.51.405 and 79.08.275.

Referred to Committee on Environment and Natural Resources.

SB 5645 by Senators Vognild, Newhouse, DeJarnatt, Bailey, Rinehart, Murray, Hansen, Rasmussen, Madsen, Conner, Sutherland, Wojahn and Warnke

AN ACT Relating to political advertising; and amending RCW 42.17.540.

Referred to Committee on Law and Justice.

SB 5646 by Senators Vognild, Bluechel, Murray, Bailey, Talmadge, Williams, Warnke, Niemi and Conner

AN ACT Relating to the construction and development of mass rail transit; amending RCW 82.36.025 and 46.68.090; adding a new section to chapter 46.68 RCW; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5647 by Senators Lee, Smitherman, Anderson and McMullen

AN ACT Relating to the use of federal loan funds; adding a new chapter to Title 43 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5648 by Senators Smitherman, Lee, Murray and Vognild

AN ACT Relating to creation of a federation of Washington ports; amending RCW 53.06.020, 53.06.030, 53.29.010, 53.29.020, 53.29.030, 53.29.900, 53.31.010, 53.31.020, and 53.31.900; adding a new section to chapter 53.06 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5649 by Senators Lee and Smitherman

AN ACT Relating to complaints filed with the human rights commission; amending RCW 49.60.230; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Governmental Operations.

SB 5650 by Senators Pullen, Anderson and McCaslin

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state and its political subdivisions; adding a new section to chapter 4.84 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5651 by Senators Pullen, Talmadge, Owen, Nelson, Thorsness and Hayner  
(by request of Attorney General)

AN ACT Relating to a homicide information and tracking system; adding new sections to chapter 43.10 RCW; creating a new section; and making an appropriation.

Referred to Committee on Law and Justice.

SJM 8010 by Senators West, Smitherman, Warnke, Anderson, Lee, Saling, Matson and Smith

Requesting Idaho and Oregon to enter into the joint trade compact.

Referred to Committee on Economic Development and Labor.

SJR 8213 by Senators Patterson, Vognild and Williams (by request of Governor Gardner)

Modifying the Constitution to allow for tax reform.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1001 by Representatives P. King and Patrick

Clarifying language relating to writs of certiorari.

Referred to Committee on Law and Justice.

HB 1002 by Representatives P. King, Patrick and Padden

Correcting or amending internal references in the Revised Code of Washington.

Referred to Committee on Law and Justice.

HB 1003 by Representatives P. King, Patrick and Padden

Repealing obsolete sections in the Revised Code of Washington.

Referred to Committee on Law & Justice.

SHB 1004 by Committee on Judiciary (originally sponsored by Representatives P. King, Patrick and Padden)

Making technical corrections in the Revised Code of Washington.

Referred to Committee on Law and Justice.

SHB 1005 by Committee on Judiciary (originally sponsored by Representatives P. King, Patrick and Padden)

Reconciling double amendments or repeals in the Revised Code of Washington.

Referred to Committee on Law and Justice.

SHB 1022 by Representatives Spanel, S. Wilson, R. King, Schmidt, Braddock, Haugen, Ebersole, Cooper, Kremen, Cole, Heavey, Winsley, Youngsman, Basich, Rasmussen, P. King and K. Wilson

Allowing smelt fishing without a license in one-day fishing derbies.

HOLD.

SHB 1088 by Committee on Judiciary (originally sponsored by Representatives Dellwo, Padden and P. King) (by request of Statute Law Committee)

Correcting statutes affected by vetoes by the governor.

Referred to Committee on Law and Justice.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5365.

On motion of Senator Newhouse, Senate Bill No. 5365 was referred to the Committee on Economic Development and Labor.

#### MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m, Wednesday, February 1, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## TWENTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 1, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bauer, Craswell, Fleming, McDonald, Moore, Niemi, Pullen, Rasmussen, Rinehart, Saling, Smith and Talmadge. On motion of Senator Bender, Senators Bauer, Fleming, Rasmussen and Talmadge were excused. On motion of Senator Anderson, Senators Pullen and Saling were excused.

The Sergeant at Arms Color Guard, consisting of Pages Romanita Versey and Laurie Gilfeather, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 30, 1989

SB 5065 Prime Sponsor, Senator Craswell: Creating a citizen review board system for cases involving substitute care of children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

January 30, 1989

SB 5076 Prime Sponsor, Senator Craswell: Providing an exception to corporal punishment prohibition. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Stratton, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5172 Prime Sponsor, Senator Benitz: Extending utility lending of credit to equipment. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 26, 1989

SB 5247 Prime Sponsor, Senator Bailey: Providing for professional enhancement programs for teachers. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 26, 1989

SB 5269 Prime Sponsor, Senator Bailey: Providing for improvements in technology and vocational education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 31, 1989

SB 5589 Prime Sponsor, Senator Pullen: Revising the offender score for serious violent offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Ninth and Columbia Building  
Olympia, Washington 98504

January 31, 1989

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

Dear Mr. Golob:

I am pleased to submit the enclosed Video Telecommunications report that the Department of Community Development (DCD) was directed to complete by ESHB 1221, enacted by the 1987 Legislature.

The report outlines the potential uses, structure and operation of a state video teleconferencing system; recommends a plan and method of operation for such a system; and assesses the potential of using this technology to communicate with employees and citizens.

The 1987 Legislature also passed SSB 5977 which directed the Office of the Superintendent of Public Instruction (OSPI) and the Higher Education Coordinating Board (HECB) to jointly develop and recommend a telecommunications network plan.

In cooperation with the Department of Information Services, (DIS), we coordinated with both SPI and HECB to find ways to provide a multi-use network and avoid costly duplication. As a result, DCD, DIS, OSPI and HECB have prepared not only individual reports, but are submitting to the Legislature a joint report which identifies common directions among the individual plans, and proposes areas where needed resources and services could be shared.

As we learned more about video telecommunications during the study development phase, we became excited about its potential use as a tool to improve the efficiency of state government, extend the frontiers of learning, and improve the quality of life for our citizens. The state of Washington has an opportunity to take a leadership role in establishing a video telecommunications network which could create electronic highways that move information instead of people.

If you have questions or comments, please call me at 753-5625 or contact Kay Boyd at 586-0665.

Sincerely,  
CHUCK CLARKE,  
Director

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 25, 1989

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

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

Jean L. Beschel, reappointed January 25, 1989, for a term ending September 30, 1994, as member of the Board of Trustees for Eastern Washington University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 25, 1989

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

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

Joe W. Jackson, reappointed January 25, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 24, 1989

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

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

Betty Woods, appointed January 24, 1989, for a term ending January 4, 1995, as a member of the Personnel Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING

SB 5652 by Senators Talmadge, Murray and Bender

AN ACT Relating to campaign financing; amending RCW 42.17.105; adding new sections as new subchapters in chapter 42.17 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5653 by Senators Newhouse, Hansen, von Reichbauer, Sellar and Bender

AN ACT Relating to the relationship between motor vehicle dealers and manufacturers; amending RCW 46.70.005, 46.70.011, 46.70.180, and 46.70.190; adding new sections to chapter 46.70 RCW; repealing RCW 46.70.200 and 46.70.210; and declaring an emergency.

Referred to Committee on Transportation.

SB 5654 by Senators Lee and Matson

AN ACT Relating to insurance coverage; and adding a new section to chapter 19.72 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5655 by Senators Lee, Smitherman, McMullen and Matson

AN ACT Relating to cash deposits in lieu of bonds; and adding a new section to chapter 19.72 RCW.

Referred to Committee on Economic Development and Labor.

SB 5656 by Senators Lee, Smitherman, McMullen and Matson

AN ACT Relating to surety liability; and adding a new section to chapter 19.72 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5657 by Senators McCaslin and DeJarnatt (by request of Secretary of State)

AN ACT Relating to precinct boundaries; amending RCW 29.04.050 and 29.04.140; and repealing RCW 29.04.130 and 29.04.135.

Referred to Committee on Governmental Operations.

SB 5658 by Senators McCaslin, Talmadge, Niemi, Pullen, DeJarnatt, Nelson, Thorsness and von Reichbauer (by request of Department of General Administration and Office of Financial Management)

AN ACT Relating to risk management and the state liability fund; amending RCW 4.92.130 and 43.84.092; adding new sections to chapter 4.92 RCW; adding a new section to chapter 43.19 RCW; creating new sections; repealing RCW 4.92.140, 4.92.170, and 43.19.1936; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5659 by Senators Niemi, Smith and Murray

AN ACT Relating to child care; and creating new sections.

Referred to Committee on Children and Family Services.

SB 5660 by Senators Niemi, Smith and Murray

AN ACT Relating to child care resource and referral; creating new sections; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5661 by Senators McCaslin and DeJarnatt (by request of Office of Financial Management)

AN ACT Relating to subsistence and travel expenses; and amending RCW 43.03.050 and 43.03.060.

Referred to Committee on Governmental Operations.

SB 5662 by Senators Lee, McCaslin and DeJarnatt

AN ACT Relating to public employment; amending RCW 41.04.010 and 70.84.080; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 28B.16 RCW.

Referred to Committee on Governmental Operations.

SB 5663 by Senators McCaslin, DeJarnatt, Thorsness, Newhouse and Vognild

AN ACT Relating to the recall of county officials; and amending RCW 36.16.134.

Referred to Committee on Governmental Operations.

SB 5664 by Senators Pullen and Talmadge (by request of Department of Social and Health Services)

AN ACT Relating to support enforcement; amending RCW 4.16.020, 4.56.210, 6.17.020, 74.20A.220, 74.20A.100, 26.23.030, 74.20.101, 74.20A.040, 74.20A.060, 74.20A.080, 74.20.040, 74.20.330, 26.23.050, 26.23.110, 26.23.120, 26.26.130, 4.56.110, 6.27.360, 6.15.020, 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.24.240, 41.40.380, 41.44.240, 74.20A.120, 26.23.040, 26.23.100, 26.23.060, and 74.20A.270; reenacting and amending RCW 26.09.120, 43.43.310, and 74.20A.030; adding new sections to chapter 26.23 RCW; repealing RCW 74.20A.190 and 26.23.100; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5665 by Senators Pullen and Talmadge (by request of Department of Social and Health Services)

AN ACT Relating to medical support enforcement; amending RCW 26.09.105, 26.18.050, 26.09.170, and 26.23.050; adding a new section to chapter 26.26 RCW; adding new



sections to chapter 26.18 RCW; adding new sections to chapter 74.20A RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5666 by Senators Pullen, Talmadge, Smitherman and Cantu (by request of Department of Social and Health Services)

AN ACT Relating to paternity; amending RCW 74.20A.020, 70.58.080, 26.26.030, and 26.26.040; and adding a new section to chapter 74.20A RCW.

Referred to Committee on Law and Justice.

SB 5667 by Senators McMullen and Metcalf

AN ACT Relating to industrial insurance coverage for distressed traditional industries; adding a new section to chapter 51.16 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5668 by Senators Pullen and Talmadge

AN ACT Relating to venue of juvenile proceedings; amending RCW 13.40.060; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5669 by Senators Metcalf, DeJarnatt and Benitz

AN ACT Relating to salmon enhancement; adding new sections to chapter 75.50 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5670 by Senators Metcalf, Benitz and Barr

AN ACT Relating to a leasehold excise tax exemption for county fairs; and amending RCW 82.29A.130.

Referred to Committee on Ways and Means.

SB 5671 by Senators Metcalf, Owen, Kreidler and Benitz

AN ACT Relating to the loss of nets in the aquatic environment; adding new sections to chapter 75.28 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 5672 by Senators Lee, Rinehart, Bailey, Murray, Gaspard, Fleming, Anderson, Warnke and Bauer

AN ACT Relating to educational food service employees; adding a new section to chapter 28A.41 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 5673 by Senators Pullen, McCaslin, Thorsness, Rasmussen, Nelson, Smitherman and Bauer

AN ACT Relating to periodic post-release follow-up of sex offenders; amending RCW 9.94A.383; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5674 by Senators Pullen, McCaslin, Thorsness, Rasmussen, Nelson and Smitherman

AN ACT Relating to periodic post-release follow-up of sex offenders; reenacting and amending RCW 9.94A.030 and 9.94A.120; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5675 by Senators Kreidler and Bluechel

AN ACT Relating to a state park study of the recreational reuse of abandoned rail corridors; creating a new section; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5676 by Senators Cantu, Bender, Patterson and McDonald

AN ACT Relating to the scenic highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SB 5677 by Senators Pullen, Bailey and Johnson

AN ACT Relating to official misrepresentation; and adding a new section to chapter 42.20 RCW.

Referred to Committee on Governmental Operations.

SB 5678 by Senators Lee, Smitherman, von Reichbauer and Murray

AN ACT Relating to establishing a crime prevention employee training program in businesses operating during late night hours; adding a new chapter to Title 51 RCW; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 5679 by Senators von Reichbauer, Moore, Sellar and McMullen (by request of Insurance Commissioner)

AN ACT Relating to industrial insurance funds; and amending RCW 51.44.070 and 51.44.080.

Referred to Committee on Financial Institutions and Insurance.

SB 5680 by Senators McCaslin, DeJarnatt and Thorsness (by request of State Auditor)

AN ACT Relating to the auditor of public accounts; and amending RCW 43.09.020.

Referred to Committee on Governmental Operations.

SB 5681 by Senators Lee, Smitherman and West (by request of Department of Labor and Industries)

AN ACT Relating to asbestos projects; reenacting and amending RCW 49.26.013, 49.26.100, 49.26.110, 49.26.120, 49.26.130, and 49.26.901; reenacting RCW 49.26.016, 49.26.115, 49.26.125, and 49.26.150; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5682 by Senators West, Kreidler, Niemi, Wojahn and Smitherman (by request of Department of Social and Health Services)

AN ACT Relating to long-term care; amending RCW 74.08.541, 74.08.545, 74.08.550, 11.94.050, 74.09.510, 74.09.700, 74.46.020, 74.46.410, and 74.46.430; reenacting and amending RCW 74.46.360; adding new sections to chapter 74.09 RCW; creating a new section; repealing RCW 74.09.532, 74.09.534, and 74.09.536; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5683 by Senators West, Kreidler, Niemi and Smith (by request of Department of Social and Health Services)

AN ACT Relating to adult services; amending RCW 18.51.050, 74.46.410, 18.51.430, 18.51.500, 74.42.240, 74.42.380, 18.51.054, 18.51.060, 18.51.065, 18.51.410, 18.51.440, 18.51.460, and 74.42.580; adding new sections to chapter 18.51 RCW; and adding a new section to chapter 74.42 RCW.

Referred to Committee on Health Care and Corrections.

SJR 8214 by Senators Metcalf, Amondson and Benitz

Requiring funding of pension systems on an actuarially sound basis.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9077, Dr. Sheri Tonn, as a member of the Puget Sound Water Quality Authority, was confirmed.

## APPOINTMENT OF DR. SHERI TONN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; absent, 7; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 36.

Absent: Senators Amondson, Craswell, McDonald, Moore, Niemi, Rinehart, Smith - 7.

Excused: Senators Bauer, Fleming, Pullen, Rasmussen, Saling, Talmadge - 6.

## MOTION

At 10:14 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:32 a.m. by President Pritchard.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9084, Terry Williams, as a member of the Puget Sound Water Quality Authority, was confirmed.

## APPOINTMENT OF TERRY WILLIAMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Fleming, Pullen, Rasmussen, Rinehart, Saling, Talmadge - 6.

## SECOND READING

SENATE BILL NO. 5039, by Senators Hayner, Niemi, Thorsness and Nelson (by request of Department of Corrections)

Limiting the method of execution to lethal injection.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5039 was substituted for Senate Bill No. 5039 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, Substitute Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5039.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Voting nay: Senators Kreidler, McCaslin, McDonald, Wojahn - 4.

Excused: Senators Fleming, Pullen, Rasmussen, Rinehart, Saling, Talmadge - 6.

SUBSTITUTE SENATE BILL NO. 5039, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

TO: Gordon A. Golob, Secretary of the Senate

FROM: Senator Phil Talmadge, 34th Legislative District

Due to inclement weather, February 1, 1989, I was unable to attend the legislative session and vote on the bills passed.

Please enter into the Journal that I would have voted 'yea' on Gubernatorial Appointment No. 9077, Gubernatorial Appointment No. 9084 and Substitute Senate Bill No. 5039.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Correction was relieved of further consideration of Senate Bill No. 5611.

On motion of Senator Newhouse, Senate Bill No. 5611 was referred to the Committee on Energy and Utilities.

#### MOTION

At 11:47 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 2, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

**TWENTY-FIFTH DAY**

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NOON SESSION

---

Senate Chamber, Olympia, Thursday, February 2, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Amie Nordine and Ian Burkheimer, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1989

SB 5048 Prime Sponsor, Senator Lee: Extending the council for the prevention of child abuse and neglect. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5097 Prime Sponsor, Senator Sutherland: Regarding the state militia. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5143 Prime Sponsor, Senator Pullen: Discussing ballot pages and the placement of candidates' names on them. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1989

SB 5154 Prime Sponsor, Senator West: Providing for sanitary control of shellfish. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Health Care and Corrections. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler.

Referred to Committee on Health Care and Corrections.

January 31, 1989

SB 5168 Prime Sponsor, Senator Bluechel: Authorizing the state library commission to move the western library network to private nonprofit status. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5168 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5194 Prime Sponsor, Senator McCaslin: Extending state election cost-sharing. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Referred to Committee on Ways and Means.

January 31, 1989

SB 5250 Prime Sponsor, Senator Sutherland: Reclaiming land at surface mining sites. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5252 Prime Sponsor, Senator McCaslin: Changing provisions relating to expenditures of public money for unfit buildings, dwellings, structures, and premises. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5276 Prime Sponsor, Senator Barr: Exempting recreational horse trailers from special driver licensing requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5290 Prime Sponsor, Senator Metcalf: Enhancing salmon resources. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5367 Prime Sponsor, Senator Nelson: Increasing public transportation reporting requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5367 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Benitz, DeJarnatt, Hansen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5440 Prime Sponsor, Senator von Reichbauer: Regulating tow trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, Hansen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5502 Prime Sponsor, Senator Amondson: Revising advertising and sale requirements for valuable materials. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 31, 1989

GA 9031 DR. MARTIN R. KAATZ, reappointed January 9, 1989, for a term ending January 1, 1995, as a member of the Forest Practices Appeals Board. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

February 1, 1989

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

Dear Secretary of the Senate:

Enclosed is the final report of the Senate Select Committee on Gubernatorial Appointments. The committee was created pursuant to Senate Resolution 1988-8778. With the completion of its studies, adoption of recommendations, introduction of proposed legislation, and submission of this final report, the committee work is done.

Sincerely,  
SENATOR PETER von REICHBAUER,  
Chairman

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

## INTRODUCTION AND FIRST READING

**SB 5684** by Senator Conner

AN ACT Relating to the transfer of credits from out-of-state teacher retirement plans; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

**SB 5685** by Senators Newhouse and McMullen

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.120.

Referred to Committee on Economic Development and Labor.

**SB 5686** by Senators Barr, Hansen, Newhouse, Bailey, Anderson and Gaspard

AN ACT Relating to agriculture; amending RCW 15.32.010, 15.32.051, 15.32.080, 15.32-100, 15.32.140, 15.32.220, 15.32.420, 15.32.500, 15.32.510, 15.32.520, 15.32.530, 15.32.570, 15.36.011, 15.36.020, 15.36.060, 15.36.080, 15.36.115, 15.36.300, 15.36.425, 15.36.460, 15.36.470, 15.36.520, 15.36.540, 15.36.550, 15.36.580, 15.28.010, 15.28.160, 15.65.510, 19.94.190, 20.01.010, 20.01.030, 20.01.038, 20.01.040, 20.01.330, 20.01.370, 20.01.380, 22.09.011, 22.09.020, 22.09.290, 22.09.720, 22.09.730, 22.09.740, 22.09.750, 22.09.780, and 22.09.830; repealing RCW 15.32.060, 15.32.070, 15.32.170, 15.32.180, 15.32.190, 15.32.200, 15.32.230, 15.32.240, 15.32.270, 15.32.280, 15.32.300, 15.32.310, 15.32.390, 15.32.400, 15.32.470, 15.32.480, 15.32.690, 15.32.692, 15.32.694, 15.32.698, 15.36.130, 15.36.290, 15.36.310, 15.36.450, 15.36.560, 15.36.570, 20.01.600, and 22.09.700; and prescribing penalties.

Referred to Committee on Agriculture.

**SB 5687** by Senators Sutherland and Bauer

AN ACT Relating to lifeline telecommunications services; amending RCW 80.36.430; and declaring an emergency.

Referred to Committee on Energy and Utilities.

**SB 5688** by Senators Sutherland and Bauer

AN ACT Relating to power fishing reels; adding a new section to chapter 75.25 RCW; and adding a new section to chapter 75.32 RCW.

Referred to Committee on Environment and Natural Resources.

**SB 5689** by Senators von Reichbauer, Moore, Sellar and McMullen (by request of Department of Labor and Industries and State Investment Board)

AN ACT Relating to industrial insurance premiums investment policy; and amending RCW 43.33A.110.

Referred to Committee on Financial Institutions and Insurances.

**SB 5690** by Senators West, Hansen and Patterson (by request of Department of Licensing)

AN ACT Relating to the motor vehicle fuel tax; amending RCW 82.36.230, 82.38.030, and 82.42.030; adding a new section to chapter 82.36 RCW; repealing RCW 82.36.302; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5691** by Senators McDonald and Owen (by request of Department of Social and Health Services)

AN ACT Relating to eligibility for general assistance unemployable; and reenacting and amending RCW 74.04.005.

Referred to Committee on Ways and Means.

**SB 5692** by Senators McDonald and Gaspard

AN ACT Relating to taxation; amending RCW 39.88.060, 58.08.040, 79.94.210, 82.03.130, 82.03.190, 84.08.130, 84.09.035, 84.34.065, 84.36.470, 84.36.850, 84.48.010, 84.48.065, 84.52.018, 84.52.080, 84.69.020, 84.69.060, 82.32.050, 82.32.060, 82.32.100, 82.32.160, 82.32.180, 82.36.040, 82.48.090, 82.50.170, 84.24.070, 84.68.030, 84.68.050, 84.68.070, 84.68.140, 84.69.030, 84.69.120, 84.69.140, 84.34.108, 84.52.043, and 84.64.050; reenacting and amending RCW 84.09.030; adding a new section to chapter 84.04 RCW; repealing RCW 84.09.080, 84.36.475, and 84.52.015; and providing an effective date.

Referred to Committee on Ways and Means.



SB 5693 by Senators Bailey, Rinehart, Murray, Bender, Fleming, Gaspard and Talmadge

AN ACT Relating to corporal punishment in public schools; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 5694 by Senators von Reichbauer, Moore, Matson, Smitherman, Johnson, Rasmussen and Bender

AN ACT Relating to allowable provisions in construction contracts; and amending RCW 4.24.115.

Referred to Committee on Financial Institutions and Insurance.

SB 5695 by Senators Johnson and Moore (by request of Department of Retirement Systems)

AN ACT Relating to the Washington state patrol; amending RCW 43.43.270; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5696 by Senators Johnson and Moore (by request of Department of Retirement Systems)

AN ACT Relating to disability benefit provisions for the Washington public employees' retirement system, the teachers retirement system, and the law enforcement officers' and firefighters' retirement system; amending RCW 41.26.470, 41.32.790, and 41.40.670; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5697 by Senators Williams, Hayner, Stratton, Warnke, Conner, Lee, Metcalf, Moore, Newhouse, DeJarnatt, Kreidler and Bender (by request of Secretary of State)

AN ACT Relating to the heritage commission; amending RCW 27.34.020, 27.34.030, 27.34.040, 27.34.060, 27.34.070, 46.16.270, 46.16.650, 27.60.080, 27.34.280, and 43.126.025; adding new sections to chapter 27.34 RCW; repealing RCW 27.34.010 and 27.34.050; making appropriations; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5698 by Senators Pullen, Vogniid, Madsen, DeJarnatt and Talmadge

AN ACT Relating to public employee payroll deductions for political committees; and amending RCW 41.04.020.

Referred to Committee on Governmental Operations.

SB 5699 by Senators Williams, Johnson, Moore, Amondson, Matson, Saling, Wojahn and McCaslin

AN ACT Relating to historic property; amending RCW 84.26.010; and repealing RCW 84.26.140.

Referred to Committee on Ways and Means.

SB 5700 by Senators von Reichbauer, Moore and Sellar (by request of Department of General Administration)

AN ACT Relating to internal consistency of Title 30 RCW; and amending RCW 30.04.112, 30.12.190, and 30.22.190.

Referred to Committee on Financial Institutions and Insurance.

SB 5701 by Senators von Reichbauer, Moore and Sellar (by request of Department of General Administration)

AN ACT Relating to financial institutions; amending RCW 30.04.060, 30.04.075, 30.04.410, 32.04.220, and 32.32.228; adding a new section to chapter 30.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 32.16 RCW; adding a new section to chapter 32.20 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5702 by Senators Lee, McMullen and Smitherman

AN ACT Relating to state licensing policies and procedures; and creating new sections.

Referred to Committee on Economic Development and Labor.

SB 5703 by Senators Gaspard, Murray, von Reichbauer and Rinehart

AN ACT Relating to the salary allocation schedule; amending RCW 28A.41.112; and creating a new section.

Referred to Committee on Education.

SB 5704 by Senator Benitz

AN ACT Relating to the Washington telephone assistance program; and amending RCW 80.36.420, 80.36.430, 80.36.450, 80.36.460, 80.36.470, and 80.36.480.

Referred to Committee on Energy and Utilities.

SB 5705 by Senators Benitz, Bluechel and Nelson

AN ACT Relating to energy facility site location; adding a new section to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5706 by Senators Warnke, Lee, Moore, Conner, Williams, Metcalf and Vognild (by request of Marine Employees' Commission)

AN ACT Relating to the salary survey for ferry system employees; amending RCW 47.64.006, 47.64.220, and 47.64.240; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8011 by Senators Metcalf and Owen

Requesting that Congress continue to support federal and international greenhouse and sea level use funding.

Referred to Committee on Environment and Natural Resources.

#### MOTIONS

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

On motion of Senator Newhouse, Senate Bill No. 5233, which was on the second reading calendar, was referred to the Committee on Ways and Means.

#### MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, February 3, 1989.

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

**TWENTY-SIXTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, February 3, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Dezaræ Barnes and Eric Jamieson, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1989

SB 5087 Prime Sponsor, Senator Bender: Dealing with game and game fish. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5127 Prime Sponsor, Senator McCaslin: Eliminating boundary review boards. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Pullen.

Passed to Committee on Rules for second reading.

January 31, 1989

SB 5138 Prime Sponsor, Senator Nelson: Specifying inspection fees for vehicles previously registered in other states or countries. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 1, 1989

SB 5193 Prime Sponsor, Senator Amondson: Revising provisions of the optometry statutes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Kreidler.

MINORITY recommendation: Do not pass and do not substitute. Signed by Senators West, Chairman; Niemi, Wojahn.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504

February 2, 1989

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

Dear Secretary Golob:

Enclosed is the department's report on Residential Care of Persons with AIDS, as required by Chapter 206, Laws of 1988.

Sincerely,  
RICHARD J. THOMPSON  
Secretary

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

MESSAGE FROM THE HOUSE

February 1, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1020,

SUBSTITUTE HOUSE BILL NO. 1168,

SUBSTITUTE HOUSE BILL NO. 1169,

HOUSE BILL NO. 1170,

HOUSE BILL NO. 1198,

HOUSE BILL NO. 1350,

ENGROSSED HOUSE BILL NO. 1358, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5707 by Senators DeJarnatt, Owen, von Reichbauer, Conner and Johnson

AN ACT Relating to sales tax exemption for public corporations engaged in artistic or cultural programs; amending RCW 82.04.4328; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

SB 5708 by Senator McMullen

AN ACT Relating to a property tax exemption for medical clinics; amending RCW 84.36.800, 84.36.805, and 84.36.810; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 5709 by Senators McMullen and Metcalf (by request of Department of Natural Resources)

AN ACT Relating to transfer of certain property managed by the department of natural resources to Skagit county; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5710 by Senators Owen, Cantu, DeJarnatt, Amondson, Craswell and Bauer

AN ACT Relating to the state environmental policy act; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5711 by Senator Wojahn

AN ACT Relating to the establishment of a health resources panel; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care and Corrections.

SB 5712 by Senator Kreidler

AN ACT Relating to the environmental hearings office; and amending RCW 43.21B-.005, 43.21B.090, 43.21B.130, 43.21B.150, 43.21B.160, 43.21B.180, and 43.21B.230.

Referred to Committee on Environment and Natural Resources.

SB 5713 by Senators West, Kreidler and Wojahn (by request of Department of Social and Health Services)

AN ACT Relating to medical test site licensure; adding a new chapter to Title 70 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 5714 by Senators Benitz and Bailey (by request of Department of Community Development)

AN ACT Relating to state fees imposed on building permits; amending RCW 19.27-.085; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5715 by Senators Newhouse, Talmadge, Owen and Benitz (by request of Attorney General)

AN ACT Relating to immigration consultants; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5716 by Senators Nelson and Madsen (by request of Secretary of State)

AN ACT Relating to the registration of trademarks; amending RCW 19.77.020 and 19.77.080; and repealing RCW 19.77.100.

Referred to Committee on Governmental Operations.

SB 5717 by Senators Talmadge and Fleming

AN ACT Relating to graduate school tuition; amending RCW 28B.15.740; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 5718 by Senators Vognild, Lee, Warnke, Pullen, Talmadge, von Reichbauer, Kreidler, Johnson, Bailey and Niemi

AN ACT Relating to state employees; amending RCW 34.05.030, 41.04.230, 41.06.070, 41.06.110, 41.06.170, 28B.10.824, 28B.10.650, 28B.12.060, 28B.50.060, 28B.80.350, 28B.80.430, 28C.15.020, 34.12.020, 41.04.340, 41.06.155, 41.06.163, 41.48.140, 41.60.015, 41.60.041, 42.17-.2401, 43.06.410, 43.06.425, 43.88.280, 43.105.052, 49.46.010, 49.74.020, 49.74.030, 49.74.040, 50.13.060, and 70.24.300; reenacting and amending RCW 41.06.150; adding a new chapter to Title 41 RCW; adding new sections to chapter 41.06 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B-.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.230, 41.06.300, 41.06.310, 41.06.320, 41.06.330, and 41.06.340; and providing effective dates.

Referred to Committee on Economic Development and Labor.

SB 5719 by Senators Pullen, Talmadge, Sellar, Moore, Hayner and Bluechel

AN ACT Relating to duties of operators and users of commercial ski areas; amending RCW 70.117.010, 70.117.020, and 70.117.030; adding new sections to chapter 70.117 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5720 by Senators Madsen, Hansen, Gaspard, Barr, Newhouse, Warnke and Sellar

AN ACT Relating to fish hatchery waste discharge permits; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture.

SB 5721 by Senators Madsen, Hansen, Gaspard, Barr, Newhouse and Warnke

AN ACT Relating to upland fin fish hatcheries; and amending RCW 90.03.250.

Referred to Committee on Agriculture.

SB 5722 by Senators Anderson and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to medical aid purchases of health care goods and services; amending RCW 51.04.030; adding a new section to chapter 51.36 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5723 by Senators McCaslin and Kreidler (by request of Secretary of State)

AN ACT Relating to ballot titles of state and local measures; and amending RCW 29.27.050, 29.27.060, 29.27.065, and 29.27.067.

Referred to Committee on Governmental Operations.

SB 5724 by Senators McDonald, Conner and Johnson (by request of Office of Financial Management)

AN ACT Relating to the volunteer firefighters' administrative fund; amending RCW 41.24.030; adding a new section to chapter 41.24 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5725 by Senators Newhouse and Madsen (by request of Secretary of State)

AN ACT Relating to polling place activities; amending RCW 29.51.020; adding new sections to chapter 29.01 RCW; adding new sections to chapter 29.51 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5726 by Senators Lee and Warnke

AN ACT Relating to lien claim indemnification; and adding new sections to chapter 60.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 5727 by Senators Fleming, Talmadge and Niemi (by request of Human Rights Commission)

AN ACT Relating to discrimination in real estate transactions; amending RCW 49.60.222; and reenacting and amending RCW 49.60.040.

Referred to Committee on Governmental Operations.

SB 5728 by Senators Lee and Warnke

AN ACT Relating to construction liens; amending RCW 59.18.100, 59.20.210, 17.10.300, and 60.16.020; adding new sections to chapter 60.04 RCW; and repealing RCW 60.04.010, 60.04.020, 60.04.030, 60.04.040, 60.04.045, 60.04.050, 60.04.060, 60.04.064, 60.04.067, 60.04.070, 60.04.080, 60.04.090, 60.04.100, 60.04.110, 60.04.115, 60.04.120, 60.04.130, 60.04.140, 60.04.150, 60.04.160, 60.04.170, 60.04.180, 60.04.200, 60.04.210, 60.04.220, 60.04.230, 60.04.250, and 60.04.255.

Referred to Committee on Economic Development and Labor.

SB 5729 by Senators McDonald, Warnke, Anderson and Hayner (by request of Department of Labor and Industries)

AN ACT Relating to crime victims' compensation; amending RCW 7.68.020, 7.68.030, 7.68.035, 7.68.050, 7.68.060, 7.68.070, 7.68.080, 7.68.100, 7.68.075, and 3.62.090; amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289,

Laws of 1988 (uncodified); adding new sections to chapter 7.68 RCW; repealing RCW 7.68-.010; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5730 by Senator Smith

AN ACT Relating to vocational rehabilitation costs; and amending RCW 51.32.095 and 51.32.250.

Referred to Committee on Economic Development and Labor.

SB 5731 by Senators von Reichbauer and Moore

AN ACT Relating to forms of investments in obligations of the United States government; amending RCW 11.100.035 and 39.58.050; adding a new section to chapter 32.20 RCW; and adding a new section to chapter 33.24 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5732 by Senators Nelson and Johnson

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; adding a new section to chapter 4.56 RCW; creating a new section; and repealing RCW 4.56.115.

Referred to Committee on Law and Justice.

SB 5733 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to trademark registration and protection; amending RCW 19.77.010, 19.77.020, 19.77.030, 19.77.040, 19.77.050, 19.77.080, 19.77.110, 19.77.130, 19.77.140, 19.77.150, and 19.77.900; adding a new section to chapter 19.77 RCW; creating a new section; and repealing RCW 19.77.100 and 19.77.120.

Referred to Committee on Governmental Operations.

SB 5734 by Senators von Reichbauer, Gaspard, Johnson, Wojahn, Madsen, Smitherman and Rasmussen (by request of Department of Community Development)

AN ACT Relating to the Puyallup tribe of Indians claims settlement; adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5735 by Senators Gaspard, Patterson, Bender, Smitherman, Anderson, Matson, Fleming, Murray, Talmadge and Johnson (by request of Superintendent of Public Instruction)

AN ACT Relating to technology in education; adding a new chapter to Title 28A RCW; and making appropriations.

Referred to Committee on Education.

SB 5736 by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf, Murray, Anderson, Conner and Smith (by request of Superintendent of Public Instruction)

AN ACT Relating to local funding requirements for school construction projects; and amending RCW 28A.47.801, 28A.47.803, and 28A.56.200.

Referred to Committee on Education.

SB 5737 by Senators Bailey, Rinehart, Lee, Fleming, Smitherman, Bender, Metcalf and Murray (by request of Superintendent of Public Instruction)

AN ACT Relating to educational service districts; and adding a new section to chapter 28A.21 RCW.

Referred to Committee on Education.

SB 5738 by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf and Murray (by request of Superintendent of Public Instruction)

AN ACT Relating to the development of student motivation, retention, and retrieval programs; amending RCW 28A.120.062 and 28A.120.064; and repealing RCW 28A.120.066.

Referred to Committee on Education.

**SB 5739** by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf and Murray (by request of Superintendent of Public Instruction)

AN ACT Relating to the substance abuse awareness program; and amending RCW 28A.120.032 and 28A.120.034.

Referred to Committee on Education.

**SB 5740** by Senators Bailey, Rinehart, Gaspard, Smitherman, Bauer, Bender, Fleming, Metcalf and Murray (by request of Superintendent of Public Instruction)

AN ACT Relating to eleventh grade assessment; and amending RCW 28A.03.360.

Referred to Committee on Education.

**SB 5741** by Senators Newhouse, Smitherman, Bauer, von Reichbauer, Matson, Stratton, Amondson, Wojahn, Johnson, Owen and Sutherland (by request of Higher Education Coordinating Board)

AN ACT Relating to the educational opportunity grant program; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

**HB 1020** by Representatives Vekich, Winsley, Patrick, Sayan, Prentice, Rector, Dellwo, Basich, Spanel and P. King

Authorizing collective bargaining for district and municipal court employees.

Referred to Committee on Economic Development and Labor.

**SHB 1168** by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Crane, Tate and P. King)

Revising the uniform estate tax apportionment act.

Referred to Committee on Law and Justice.

**SHB 1169** by Committee on Judiciary (originally sponsored by Representatives Padden, Crane, Tate and P. King)

Regulating disclaimers of interest by beneficiaries.

Referred to Committee on Law and Justice.

**HB 1170** by Representatives Padden, Crane, Tate and P. King

Changing provisions relating to the exercise of the power of appointment.

Referred to Committee on Law and Justice.

**HB 1198** by Representatives Nelson, Hankins, Jesernig, R. Meyers, Brooks, Wineberry, Walker, Cole, Miller and Gallagher

Authorizing first class cities to enter into agreement to own and operate electrical utilities.

Referred to Committee on Energy and Utilities.

**HB 1350** by Representatives Inslee, Patrick, Appelwick and Winsley

Revising marital deduction gifts and survivorship requirements.

Referred to Committee on Law and Justice.



EHB 1358 by Representatives Crane, Padden, P. King, Saryan, Heavey, Rector, Ebersole and Inslee (by request of Governor Gardner and Attorney General)

Modifying the new Administrative Procedure Act and making conforming amendments.

Referred to Committee on Law and Justice.

MOTION

On motion of Senator Newhouse, House Bill No. 1022 which was introduced January 31, 1989, and held, was referred to the Committee on Environment and Natural Resources.

MOTION

At 10:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Pritchard.

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

MOTION

On motion of Senator Newhouse, the Senate will now consider Senate Concurrent Resolution No. 8405.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Hayner, Sellar and Newhouse

Adopting the Joint Rules of the Senate and the House of Representatives.

The concurrent resolution was read the second time.

JOINT RULES  
OF THE SENATE AND THE  
HOUSE OF REPRESENTATIVES

((~~FIFTEETH~~)) FIFTY-FIRST LEGISLATURE  
(~~(1987)~~) 1989

JOINT RULE NO.

- RULE 1 Conflict of interest.
- RULE 2 Employee restrictions.
- RULE 3 Joint session.
- RULE 4 Motions for joint session.
- RULE 5 Business limited.
- RULE 6 Conference committee.
- RULE 7 Conference committee appointees.
- RULE 8 Free conference request.
- RULE 9 Free conference committee.
- RULE 10 Report of conference and free conference committee, how made out; whom returned to.
- RULE 11 Adoption of reports.
- RULE 12 Messages between the two houses.
- RULE 13 Final action on bills, how communicated.
- RULE 14 Enrolled bills--Presiding officer to sign.
- RULE 15 Disposition of enrolled bills.
- RULE 16 Transmission of documents.
- RULE 17 Joint and concurrent resolutions: memorials.
- RULE 18 Amendatory Bills.
- RULE 19 Amendatory bills, how drawn.
- RULE 20 Amendments to state constitution: action by legislature.
- RULE 21 Publicity of proposed amendments to state constitution.
- RULE 22 Initiative petition before the legislature.
- RULE 23 Adjournment.

RULE 24	Adjournment sine die.
RULE 25	Operation of committees during interim.
RULE 26	Joint legislative committees.
RULE 27	Joint committee hearings.
RULE 28	Each house judge of its own membership.
RULE 29	Sessions of the legislature.
RULE 30	Amendments to joint rules.
RULE 31	Joint rules to apply for biennium.
RULE 32	Open standing committee meeting.
RULE 33	Standing committees—duties.
RULE 34	Standing committees—expenses—subpoena power.
RULE 35	Committee procedures.
RULE 36	Legislative polling.
RULE 37	Bills to be engrossed.

#### CONFLICT OF INTEREST

RULE 1. A legislator has a personal interest which is in conflict with the proper discharge of legislative duties if the legislator has reason to believe or expect that a direct monetary gain or a direct monetary loss will be derived by reason of the legislator's official activity.

However, a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group, to a greater extent than to any other member of such business, profession, occupation, or group.

#### CODE OF ETHICS

In order to maintain legislative integrity and secure the public interest the following Code of Ethics is adopted for legislators:

(a) Actions which destroy independence of judgment as a legislator:

(1) A legislator shall not vote on or influence legislation in committee or on the floor of either house, where the legislator has a personal interest which is in conflict with the proper discharge of legislative duties.

(2) A legislator shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary.

(3) A legislator shall not ask, receive, or agree to receive anything of value upon any understanding that the legislator's vote, opinion, judgment, or action will be influenced thereby.

(4) A legislator shall not solicit, receive, or accept a gift, favor or service under circumstances where it could be reasonably inferred that such action would influence the legislator in the discharge of legislative duties, or was a reward.

(5) A legislator shall not accept any remuneration other than legislative compensation for legislative advice or assistance.

(6) A legislator shall not appear before any department of state government for compensation that is contingent upon action by that department of state government unless the fee is set or approved by that department.

(b) Actions which involve undue influence upon any state agency, court, or governmental subdivision:

(1) A legislator shall not represent clients for compensation in proceedings or hearings before state agencies, boards or commissions involving claims of state employees.

(2) A legislator, singularly or through others, shall not use or attempt to use improper means to influence a state agency, board or commission.

(3) A legislator may use an official title or stationery in connection with a matter or proceeding before a state agency, board or commission, only if done without compensation, in connection with legislative duties.

(4) A legislator shall not represent any claimant for compensation in any claim placed before the legislature.

(5) A legislator shall not receive compensation for an appearance before a state agency as an expert witness.

(c) Actions which constitute an abuse of official position or a violation of public trust:

(1) A legislator shall not accept employment, or engage in any business, or be involved in any activity which one might reasonably expect would require the disclosure of privileged information gained by virtue of holding legislative office.

(2) A legislator shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the Board of Ethics.

#### EMPLOYEE RESTRICTIONS

RULE 2. Section 1. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair the employee's independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

Section 2. A legislative employee shall not use or attempt to use the employee's official position to (1) personally obtain any privilege, exemption, special treatment or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment.

Section 3. A legislative employee shall not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

Section 4. A legislative employee shall not disclose confidential information acquired by reason of the employee's official position to any person or group not entitled to receive such information, nor shall the employee use such information for personal gain or benefit or for the benefit of others.

Section 5. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

Section 6. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, may directly or indirectly be required to make any contribution to a political candidate, committee, or party.

#### JOINT SESSION

RULE 3. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions. The lieutenant governor shall not act in said joint session except as the presiding officer, and in no case shall have the right to give the deciding vote.

#### MOTIONS FOR JOINT SESSION

RULE 4. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

#### BUSINESS LIMITED

RULE 5. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

#### CONFERENCE COMMITTEE, REPORTS, ETC.

#### CONFERENCE COMMITTEE

RULE 6. In every case of difference between the two houses, upon any subject of legislation, ~~((the))~~ either house ~~((refusing to recede shall))~~ may request a conference and appoint a committee of three for that purpose, and the other house ~~((shall))~~ may grant the request for a conference and appoint a like committee to

confer. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other. Except as provided in Rule 8, no conference committee shall consider or report on any matter except that directly at issue between the two houses. The papers shall be left with the conferees of the house ~~((requesting such conference))~~ if a senate bill, and with the conferees of the senate, if a house bill, and the ~~((y))~~ holders of the papers shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of ~~((a majority of the))~~ five conference committee members ~~((of each house))~~ except that conference reports on the budget, supplemental budget or capital budget must have the signatures of a majority of the conference committee members of each house.

#### CONFERENCE COMMITTEE APPOINTEES

RULE 7. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions as relates to the subject matter, and to the extent possible the majority and minority political parties.

#### FREE CONFERENCE REQUEST

RULE 8. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the bill in conference for the purpose of requesting the powers of free conference. A report requesting the powers of free conference shall be made in the same manner as other reports of conference committees and shall set forth the proposed report of a free conference committee, including all amendments to the bill or resolution to be agreed upon by the free conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of ~~((a majority of the))~~ five members of the committee ~~((appointed from each house))~~ except that proposed free conference reports on the budget, supplemental budget or capital budget must have the signatures of a majority of the committee members of each house.

#### FREE CONFERENCE COMMITTEE

RULE 9. Upon request for free conference the power of free conference may be granted by the two houses to the same committee, to whom only the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 6. The report of the committee of free conference shall be acted upon in the same manner as provided for reports of conference committees. The report of a free conference committee must have the signatures ~~((of a majority of the))~~ five members of the committee ~~((appointed from each house))~~ except that free conference reports on the budget, supplemental budget or capital budget must have the signatures of a majority of the conference committee members of each house.

#### REPORT OF CONFERENCE AND FREE CONFERENCE COMMITTEE; HOW MADE OUT; WHOM RETURNED TO

RULE 10. The conference or free conference committee shall submit the bill as amended together with three signed copies of its report to the house ~~((which asked for the conference))~~ if a senate bill, and to the senate, if a house bill. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

#### ADOPTION OF REPORTS\*

RULE 11. The report of a conference or free conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended.

The report shall be read in full in each house before a vote is taken on the report. The senate and house, within their own bodies, can suspend the reading of a report in full. Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate, to consider reports from a free conference committee. Neither house may vote thereon until the twenty-four hour period shall have elapsed. The clerk and the secretary shall

place the reports on the desks of the members as soon as possible. The foregoing provisions relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.

No floor vote may be taken on any free conference committee report without a summary of additions, changes, and deletions made by the free conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions.

\*Requires a constitutional majority. Requires two-thirds on constitutional amendment.

#### MESSAGES BETWEEN THE TWO HOUSES

RULE 12. Messages from the senate to the house of representatives shall be delivered by the secretary or assistant secretary, and messages from the house of representatives to the senate shall be delivered by the chief clerk or assistant.

#### FINAL ACTION ON BILLS, HOW COMMUNICATED

RULE 13. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

#### ENROLLED BILLS--PRESIDING OFFICER TO SIGN

RULE 14. After a bill shall have passed both houses and all amendments have been carefully engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house shall present the original bill to the governor for signature, who, after taking action thereon, shall transmit it to the office of the secretary of state.

#### DISPOSITION OF ENROLLED BILLS

RULE 15. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

#### TRANSMISSION OF DOCUMENTS

RULE 16. Each house shall transmit to the other all documents on which any bill or resolution may be founded.

#### JOINT AND CONCURRENT RESOLUTIONS: MEMORIALS

RULE 17. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, or to the heads of any other branch of the Federal government shall be in the form of joint memorials. Proposed amendments to the state constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, adopting or amending joint rules, closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills.

Concurrent resolutions may be adopted without a roll call. Concurrent resolutions authorizing investigations or authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas and nays recorded in the journal.

#### AMENDATORY BILLS

RULE 18. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

#### AMENDATORY BILLS, HOW DRAWN

RULE 19. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.

No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.

Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House. No amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.

#### AMENDMENTS TO STATE CONSTITUTION: ACTION BY LEGISLATURE

RULE 20. Amendments to the state constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. (Const., art. 23, sec. 1.)

#### PUBLICITY OF PROPOSED AMENDMENTS TO STATE CONSTITUTION

RULE 21. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)

#### INITIATIVE PETITION BEFORE THE LEGISLATURE

RULE 22. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session.

Upon certification from the secretary of state that an initiative to the legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through its presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment.

After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

#### ADJOURNMENT

RULE 23. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

#### ADJOURNMENT SINE DIE

RULE 24. Adjournment sine die shall be made only by concurrent resolution.

#### OPERATION OF COMMITTEES DURING INTERIM

RULE 25. During the interim between legislative sessions the membership and structure of each standing committee of each house of the legislature shall be continued for the purpose of studying and making recommendations to any subsequent session.

Each standing committee shall have the following powers and duties:

(1) To perform either through the standing committee as a whole or through subcommittees thereof or select committees thereof all duties and functions customarily delegated to legislative committees acting within the scope of the duties exercised by such committee concerning the subject matter with which the legislative standing committee is generally entrusted during a regular or special legislative session;

(2) To examine and study the administrative organization and procedures of the state government, its officers, boards, committees, commissions, institutions, and other state agencies and to make recommendations where found advisable directed to the elimination of unnecessary overlapping or duplication of functions, procedures, and expenditures and to the promotion of economy and efficiency in

state government and as particularly related to the scope of the activities related to the standing legislative committee while the legislature is in session;

(3) To make such other studies and examinations of the state government and its agencies as it may find advisable and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto within the scope of the activities related to the standing legislative committee while the legislature is in session;

(4) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings and recommendations.

For the purposes above mentioned the Facilities and Operations Committee established in the Senate and a corresponding similar committee in the House of Representatives shall be authorized to select such clerical, legal, accounting, research, and other assistants as may be deemed desirable to work for the standing committees established hereby, and the compensation and salary of such employees shall be fixed by such committees in each respective house subject to such legislative appropriations as shall be or have been made for such purposes by the legislature for the Senate and the House of Representatives respectively.

With reference to the studies and investigations to be undertaken, each standing committee may only study subjects, areas and problems assigned to such committee by the respective house or by the rules committees of the respective house.

During the interim between sessions, proposed committee bills which may be developed as a result of the studies and investigations made by such standing committees may be proposed and filed by such committees, and such proposed committee bills shall bear the signature of a majority of the members of such standing committee. Proposed Senate bills shall be filed with the secretary of the Senate. Proposed House bills shall be filed with the chief clerk of the House.

During the interim between legislative sessions such committee bill proposals shall be printed and referred to the committee on rules.

#### JOINT LEGISLATIVE COMMITTEES

RULE 26. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses. These committees shall be subject to the rules and procedures of the House and Senate. The resolution shall set forth all administrative matters including staffing, facilities, travel, budgets and grant applications, receipts and expenditures from non-legislative sources. All personnel matters and all expenditures from any fund source shall be subject to approval by the Senate Facilities and Operations Committee and the House Executive Rules Committee. The procedure for selecting joint committee chairs and vice-chairs and their terms of office shall also be provided by the resolution. Staffing for joint legislative committees shall as much as possible be done through existing legislative staff. When existing staff are assigned to joint legislative committees they shall continue to be paid and reimbursed by the house from which they were assigned.

Joint legislative committees shall have a quorum present to take executive action.

Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall file with the committee on rules of both houses, a statement of purpose setting forth the name or names of those subject to process. The respective rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to approval by a majority of the membership of each rules committee. The process shall be limited to the named individuals.

#### JOINT COMMITTEE HEARINGS

RULE 27. Whenever any standing, select, or special committee of either house shall desire to arrange for a public hearing upon any subject of legislative study pending before such committee, it shall be the duty of the chairperson of such committee to consult with the chairperson of the corresponding committee of the other house and endeavor to arrange a hearing by the committees of the two houses.

All joint public hearings held by the committees shall be scheduled at least five days in advance, shall be open to the public, and shall be given publicity. The notice and scheduling provision shall not apply to joint hearings held after the tenth day preceding adjournment sine die of any regular session or during any special session.

#### EACH HOUSE JUDGE OF ITS OWN MEMBERSHIP

RULE 28. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)

#### SESSIONS OF THE LEGISLATURE

RULE 29. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with art. 2, section 12 of the state Constitution.

#### AMENDMENTS TO JOINT RULES

RULE 30. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

#### JOINT RULES TO APPLY FOR BIENNIUM

RULE 31. The permanent joint rules adopted by the legislature shall govern any session called during the same legislative biennium.

#### OPEN STANDING COMMITTEE MEETING

RULE 32. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the legislature shall be open to the public in accordance with the rules of each house.

#### STANDING COMMITTEES--DUTIES

RULE 33. (1) All standing, select, and special committees of both houses may take executive action on bills in Olympia only. Committee hearings of either house may be held while the legislature is convened and hearings of standing committees may be held during a recessed or interim period.

(2) The rules committee of either house may provide for schedules, locations, or additional meetings of any standing committee of the same house as may be determined necessary.

(3) Subject to the approval of the rules committee of the appropriate house, standing committees, interim subcommittees, and interim select committees may conduct hearings and scheduling without a quorum being present.

#### STANDING COMMITTEES--EXPENSES--SUBPOENA POWER

RULE 34. Regardless of whether the legislature is in session, and subject to the provisions of Rule 33 to the extent that it is applicable, members of the legislature and the president of the senate may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses and payments in lieu of subsistence and lodging for conducting official business of the legislature.

The legislative committees of the senate and of the house of representatives, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the committee on rules of the respective house for specific purposes and for specific subjects in accordance with the authorization of the committee on rules or pursuant to rules established by the respective house.

#### COMMITTEE PROCEDURES

RULE 35. Any person whose reputation may be unfairly injured by testimony at a committee hearing shall be given a reasonable opportunity to rebut that testimony. Each committee chairperson shall conduct hearings so as to afford reasonable protection of that right. In addition, any person who believes their reputation may have been unfairly injured by such testimony shall be entitled, upon submitting a timely request, to (1) an accurate record of the pertinent testimony; (2) an opportunity to voluntarily appear before the committee and testify; and (3) an opportunity to file a sworn written statement of facts or other documents for incorporation into the hearing record.



## LEGISLATIVE POLLING

RULE 36. The use of public funds by a legislator or legislative employee for legislative polling, including mailed questionnaires, is authorized only when the following criteria are met:

(1) Polling must be authorized by a legislator, and confined to soliciting opinions or facts relative to legislative issues or studies;

(2) The identity of the legislator, legislative committee, or party caucus conducting the poll must be disclosed to the person being polled;

(3) In any year in which a legislator is a candidate for public office, no poll may be conducted by or on behalf of such legislator during the period between June 1st and the general election day of that year or, in the event of a special election, no poll may be conducted by or on behalf of such legislator during the period between either sixty days prior to the election or the date of the filing of the legislator for the office subject to special election, whichever occurs last, and the special election. Such polling is not prohibited during any special legislative session or during the thirty days preceding such session. A legislative committee may authorize or conduct a poll at any time if the poll conforms to subsections (1), (2), and (4) of this rule; and

(4) The polling complies with all other pertinent laws and rules.

## BILLS TO BE ENGROSSED

RULE 37. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8405.

Senate Concurrent Resolution No. 8405 was adopted by a voice vote.

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

## MOTION

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

## SENATE RESOLUTION 1989-8620

by Senators Vognild, Moore, Newhouse, Sellar, Barr and von Reichbauer

WHEREAS, The International Garden and Greenery Exposition will be held in Osaka, Japan, from April 1 to September 30, 1990; and

WHEREAS, The Exposition is under the joint auspices of the Bureau International d'Exposition and the International Association of Horticultural Products; and

WHEREAS, The purpose of the Exposition is for nations, provinces, and states, from around the world to introduce their products to Japanese consumers, and consumers visiting from other nations; and

WHEREAS, More than twenty million people from Japan and other Asian nations are expected to visit this exposition; and

WHEREAS, Japanese consumers remain generally unacquainted with Washington's agricultural and horticultural products; and

WHEREAS, It is of paramount importance to the economy of the state of Washington that we expand exports of all our products and promote Pacific Rim trade; and

WHEREAS, This Exposition will provide an excellent opportunity for Washington to introduce its agricultural and horticultural products and related items to the fast growing Asian markets; and

WHEREAS, Japanese Prime Minister Takeshita will be meeting with President Bush this month to discuss trade relations between our two nations; and

WHEREAS, Japanese Foreign Minister Sousuke Uno will be visiting the state of Washington in conjunction with our centennial celebration; and

WHEREAS, California, Florida, and Hawaii will be participating in the Exposition, and other states may be joining them;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate urges the state of Washington to participate in the International Garden and Greenery Exposition and exhibit our agricultural and horticultural products; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Booth Gardner, to the Director of the Department of Trade and Economic Development, John C. Anderson, and to the Director of the Department of Agriculture, Alan Pettibone.

Senator Moore spoke to Senate Resolution 1989-8620.

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

#### REPORTS OF STANDING COMMITTEES

February 2, 1989

SB 5009 Prime Sponsor, Senator Anderson: Changing exemptions for vessel registration. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5009 as recommended by Committee on Transportation be substituted therefor, and the substitute bill be referred to Committee on Rules without recommendation. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Hayner, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules without recommendation.

February 2, 1989

SB 5183 Prime Sponsor, Senator von Reichbauer: Enhancing pedestrian safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5209 Prime Sponsor, Senator Rasmussen: Revising provisions for license plates for widows of prisoners of war. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5284 Prime Sponsor, Senator Owen: Authorizing issuance of special license plates to the surviving spouse of a Pearl Harbor survivor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENT

February 2, 1989

GA 9018 MARY FAULK, appointed July 18, 1988, for a term ending at the Governor's pleasure, as Director of the Department of Licensing, succeeding Theresa Aragon.  
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules.

## MOTIONS

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

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5630.

On motion of Senator Newhouse, Senate Bill No. 5630 was referred to the Committee on Economic Development and Labor.

## MOTION

At 11:37 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 6, 1989.

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

## TWENTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 6, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Fleming, Madsen, Niemi, Smith and Wojahn. On motion of Senator Bender, Senators Fleming, Madsen and Wojahn were excused. On motion of Senator Anderson, Senator Smith was excused.

The Sergeant at Arms Color Guard, consisting of Pages Meredith Gibson and Ryan Hunt, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 1, 1989

SB 5001 Prime Sponsor, Senator Conner: Making changes relating to the Washington ambassador program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5134 Prime Sponsor, Senator McCaslin: Revising procedures for assessment of special benefits to property. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5163 Prime Sponsor, Senator McCaslin: Allowing local government to hold abandoned property. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5163 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5175 Prime Sponsor, Senator Barr: Regarding rural health care training. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5175 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5176 Prime Sponsor, Senator West: Allowing cross-credentialing of rural health professionals. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5177 Prime Sponsor, Senator Barr: Establishing the rural health system project. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 2, 1989

SB 5178 Prime Sponsor, Senator Patterson: Defining rural hospitals. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5179 Prime Sponsor, Senator Barr: Providing for a rural health facility licensure model. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5180 Prime Sponsor, Senator Barr: Regarding rural hospitals and requirements for a certificate of need. Reported by Committee on Health Care and Correction

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5181 Prime Sponsor, Senator West: Providing for standardization of nurse training and nurse education course content. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5182 Prime Sponsor, Senator Barr: Establishing a loan forgiveness program for rural health professionals. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi.

Referred to Committee on Ways and Means.

February 3, 1989

SB 5268 Prime Sponsor, Senator Benitz: Providing for the expenditure surcharges assessed on radioactive waste disposal. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Stratton, Sutherland, Williams.

Referred to Committee on Ways and Means.

February 2, 1989

SB 5277 Prime Sponsor, Senator McCaslin: Extending the period for fire district service charges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5281 Prime Sponsor, Senator Kreidler: Regulating underground storage tanks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

February 1, 1989

SB 5329 Prime Sponsor, Senator Lee: Establishing a master license delinquency fee. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5566 Prime Sponsor, Senator Metcalf: Creating the safe drinking water act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 2, 1989

GA 9021 MARIAN MAY GERSTLE, reappointed April 22, 1988, for a term ending April 3, 1992, as a member of the State Board for Community College Education.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 2, 1989

GA 9023 JULIE A. GRANT, appointed June 2, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 2, 1989

GA 9068 DR. MAX SNYDER, appointed March 17, 1988, for a term ending April 30, 1990, as a member of the State Board for Community College Education.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 2, 1989

GA 9075 EARLYSE SWIFT, reappointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 2, 1989

GA 9076 GRAHAM TOLLEFSON, appointed April 4, 1988, for a term ending September 30, 1989, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 2, 1989

GA 9080 JAMES G. WALTON, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Spokane Community College District No. 17.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 2, 1989

GA 9089 NORM SCHUT, appointed June 2, 1988, for a term ending September 30, 1990, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504

January 30, 1989

Mr. Gordon Golob  
Secretary of the Senate  
Legislative Building - AS-32  
Olympia, Washington 98504

Dear Mr. Golob:

It is my pleasure to forward to you a copy of the report of the DSHS Task Force on the Placement of Children in the Care of Relatives as required by Chapter 189, Laws of 1988.

This report examines the barriers to placement with relatives, for children who have been removed from parental care. Several recommendations are made to reduce the use of foster care and enable children to remain within their extended families.

Sincerely,  
RICHARD J. THOMPSON,  
Acting Secretary

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

INTRODUCTION AND FIRST READING

SB 5742 by Senators Niemi, Rasmussen and Newhouse

AN ACT Relating to community confinement of offenders; and amending RCW 9.94A.383.

Referred to Committee on Law and Justice.

SB 5743 by Senators Talmadge and Kreidler

AN ACT Relating to the scenic river system; amending RCW 79.72.030, 79.72.050, and 79.72.080; and adding new sections to chapter 79.72 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5744 by Senators West, Niemi, Smith, Wojahn and Johnson

AN ACT Relating to a study of educational articulation and career mobility for certain health professions; and creating new sections.

Referred to Committee on Health Care and Corrections.

SB 5745 by Senators Bailey, Barr, Conner and Moore

AN ACT Relating to bicyclists wearing headphones; and amending RCW 46.37.480.

Referred to Committee on Transportation.

SB 5746 by Senators Sellar, Smith, Owen and Matson



AN ACT Relating to overtime for interstate truck drivers; and reenacting and amending RCW 49.46.130.

Referred to Committee on Transportation.

SB 5747 by Senators Rinehart, von Reichbauer and Moore

AN ACT Relating to interest calculation on credit cards; and amending RCW 63.14.130.

Referred to Committee on Financial Institutions and Insurance.

SB 5748 by Senators Matson, Anderson and Owen

AN ACT Relating to self-insured employers; and amending RCW 51.32.055.

Referred to Committee on Economic Development and Labor.

SB 5749 by Senators Anderson, Matson, Owen and Smitherman

AN ACT Relating to self-insured employers; and amending RCW 51.44.070.

Referred to Committee on Economic Development and Labor.

SB 5750 by Senators Anderson, Matson, Owen and Smitherman

AN ACT Relating to industrial insurance fraud; and amending RCW 51.32.240.

Referred to Committee on Economic Development and Labor.

SB 5751 by Senators Matson, Anderson, Owen and Smitherman

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

Referred to Committee on Economic Development and Labor.

SB 5752 by Senators Anderson, Matson, Owen and McMullen

AN ACT Relating to medical examinations under industrial insurance; and amending RCW 51.32.110.

Referred to Committee on Economic Development and Labor.

SB 5753 by Senators Bluechel and Talmadge

AN ACT Relating to refund of contributions made to judicial retirement systems; adding new sections to chapter 2.10 RCW; and adding new sections to chapter 2.12 RCW.

Referred to Committee on Ways and Means.

SB 5754 by Senators Anderson, Matson, Owen, Gaspard and Smitherman

AN ACT Relating to release of health care information under industrial insurance; and amending RCW 51.36.060.

Referred to Committee on Economic Development and Labor.

SB 5755 by Senators Benitz, Kreidler, Bailey, Niemi, Vognild, Talmadge and Moore

AN ACT Relating to solid waste; amending RCW 70.95.030, 70.95.100, 81.77.010, 81.77-.020, 36.58.040, 35.21.120, 70.95.280, 70.95.090, 81.77.030, 70.95C.020, 35.23.352, 39.30.040, 43.19.1911, 43.99F.040, 43.160.010, and 43.160.060; amending section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified); reenacting and amending RCW 36.32.250; adding new sections to chapter 70.95 RCW; adding a new section to chapter 70.95C RCW; adding a new section to chapter 43.160 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 81.77 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 81 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 70.95.010; prescribing penalties; and making appropriations.

Referred to Committee on Environment and Natural Resources.

SB 5756 by Senators McCaslin, Warnke and DeJarnatt

AN ACT Relating to sureties for public works bonds; and amending RCW 39.08.010.

Referred to Committee on Governmental Operations.

SB 5757 by Senators Bailey, Sutherland, McDonald, Warnke, Johnson, Gaspard and Amondson

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

**SB 5758** by Senators Bailey and Rinehart

AN ACT Relating to the teaching profession; creating new sections; providing expiration dates; and making appropriations.

Referred to Committee on Education.

**SB 5759** by Senators Bailey, Rinehart, Lee, Warnke, Talmadge, Moore, Bauer and Stratton

AN ACT Relating to a school breakfast program; and creating new sections.

Referred to Committee on Education.

**SB 5760** by Senators Bailey, Williams, Fleming, McMullen and Kreidler

AN ACT Relating to retail heating oil dealers; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

**SB 5761** by Senators Pullen and Talmadge

AN ACT Relating to disclosure of information by the state patrol; and amending RCW 43.43.830, 43.43.832, 43.43.834, and 43.43.838.

Referred to Committee on Law and Justice.

**SB 5762** by Senators Pullen and Talmadge

AN ACT Relating to sentences involving terms of confinement; amending RCW 9.94A-.190 and 70.48.400; reenacting and amending RCW 9.94A.120; creating a new section; and providing an effective date.

Referred to Committee on Law and Justice.

**SB 5763** by Senators Sellar and Bender

AN ACT Relating to high capacity transportation systems; amending RCW 84.52.052; reenacting and amending RCW 47.76.030; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 47.76 RCW; adding a new chapter to Title 47 RCW; adding a new chapter to Title 81 RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5764** by Senators Murray, Lee, Warnke, McDonald, Bender, Rinehart, Bailey, Moore, Sutherland, Gaspard and Talmadge

AN ACT Relating to workplace literacy; amending RCW 28A.16.050, 28A.34A.040, 28A.58.247, 28A.41.053, 28A.100.019, 28A.120.022, 28A.130.014, 28B.50.250, 28B.65.030, 43.06-.110, 43.63A.078, and 43.121.130; adding new sections to chapter 50.12 RCW; adding a new section to chapter 28A.58 RCW; adding a new section to chapter 28A.100 RCW; adding new sections to chapter 28A.120 RCW; adding a new section to chapter 28A.125 RCW; adding a new section to chapter 28B.04 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 43.168 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 74.21 RCW; adding a new section to chapter 74.22 RCW; adding a new section to chapter 74.23 RCW; adding a new section to chapter 74.29 RCW; creating new sections; and making an appropriation.

Referred to Committee on Economic Development and Labor.

**SB 5765** by Senators Talmadge, Rasmussen, Smitherman, Conner, Stratton and Vognild

AN ACT Relating to children and family services; amending RCW 13.40.025, 13.40-.027, 13.40.030, 43.121.020, 43.121.030, 43.121.040, 43.121.060, 9A.16.100, 74.13.032, and 13.32A.130; reenacting and amending RCW 26.44.030, 5.60.060, and 74.13.031; adding a new chapter to Title 26 RCW; adding a new section to chapter 13.32A RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.14B RCW; creating new

sections; repealing RCW 13.40.035; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5766 by Senators Vognild, Smith, Craswell, Bailey, Stratton, Warnke, DeJarnatt, Rasmussen, Kreidler, Wojahn and Johnson

AN ACT Relating to guardianships; adding new sections to chapter 11.88 RCW; and adding new sections to chapter 11.92 RCW.

Referred to Committee on Law and Justice.

SB 5767 by Senators von Reichbauer, Talmadge, Moore, Hayner, Saling, Stratton, Lee, Metcalf and Johnson

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.030 and 43.06.092.

Referred to Committee on Governmental Operations.

SB 5768 by Senators von Reichbauer, Talmadge, Moore, Hayner, Saling and Metcalf

AN ACT Relating to confirmation of gubernatorial appointments; and amending RCW 41.06.130, 43.210.030, 49.04.010, 72.41.020, 72.42.020, and 78.52.020.

Referred to Committee on Governmental Operations.

SJR 8215 by Senators von Reichbauer, Talmadge, Moore, Hayner, Saling and Metcalf

Amending the Constitution to provide for special sessions for the purpose of confirming gubernatorial appointments.

Referred to Committee on Governmental Operations.

SJR 8216 by Senators Hayner, Smitherman, Bluechel, Rasmussen, Newhouse, Cantu, Moore, Benitz, Stratton, McCaslin and Lee

Modifying investment requirements of trust funds.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Johnson, Gubernatorial Appointment No. 9000, Charles Alexander, as a member of the Personnel Appeals Board was confirmed.

APPOINTMENT OF CHARLES ALEXANDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senators Barr, Niemi - 2.

Excused: Senators Fleming, Madsen, Smith, Wojahn - 4.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9007, Thomas M. Burns, as a member of the Personnel Board was confirmed.

APPOINTMENT OF THOMAS M. BURNS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen,

Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Absent: Senator Barr - 1.

Excused: Senators Fleming, Madsen, Smith, Wojahn - 4.

#### MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9028, Wendy Holden, as Director of the Department of General Administration, was confirmed.

Senators Bluechel, Smitherman and Gaspard spoke to the confirmation of Wendy Holden as Director of the Department of General Administration.

#### APPOINTMENT OF WENDY HOLDEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Fleming, Madsen, Smith, Wojahn - 4.

#### MOTION

At 10:24 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:11 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5381, by Senators Sellar, Talmadge, Thorsness, Moore, Newhouse, Anderson, Lee, Saling, Amondson, Cantu, Rasmussen, Nelson, McMullen, West, Craswell and Barr

Increasing penalties for vehicular homicide due to drunken or reckless driving.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5381.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Flemir J, Madsen, Smith, Wojahn - 4.

SENATE BILL NO. 5381, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Madsen, Niemi, Talmadge, Pullen, McCaslin, Nelson, Thorsness, Rinehart and Johnson (by request of Attorney General)

Relating to a resolution to the President for a constitutional amendment for victims' rights.

The joint memorial was read the second time.

## MOTION

On motion of Senator Pullen, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8000.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Fleming, Madsen, Smith, Wojahn - 4.

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5067, by Senators Pullen and Talmadge

Changing criminal penalties for assault of a transit operator and rider safety.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5067 was substituted for Senate Bill No. 5067 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, Substitute Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5067.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Fleming, Madsen, Smith, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 5067, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5090, by Senators Nelson, Pullen, Talmadge and Benitz (by request of Sentencing Guidelines Commission)

Establishing seriousness levels for unranked felonies.

The bill was read the second time.

## MOTION

Senator Pullen moved that the following committee on Law and Justice amendment not be adopted:

On page 2, line 31, after "court" strike "may" and insert "(~~may~~) should"

The President declared the question before the Senate to be the motion by Senator Pullen to not adopt the Committee on Law and Justice amendment on page 2, line 31, to Senate Bill No. 5090.

The motion by Senator Pullen carried and the Committee on Law and Justice amendment was not adopted.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 2, line 33, after "that" delete "the offense is proportionally more serious than most unranked offenses and more serious than those crimes ranked at level V and below and therefore"

Senator Pullen moved that the following committee on Law and Justice amendment not be adopted:

On page 2, line 36, after "justifying" strike "an exceptional" and insert "~~((an exceptional))~~ such a

The President declared the question before the Senate to be the motion by Senator Pullen to not adopt the Committee on Law and Justice amendment on page 2, line 36, to Senate Bill No. 5090.

The motion by Senator Pullen carried and the Committee on Law and Justice amendment was not adopted.

#### MOTION

On motion of Senator Pullen, Engrossed Senate Bill No. 5090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5090.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5090 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Fleming, Madsen, Smith, Wojahn - 4.

ENGROSSED SENATE BILL NO. 5090, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5018, by Senators Newhouse, Vognlid, Barr, Hansen, Benitz and Rasmussen (by request of Secretary of State)

Revising provisions for cooperative associations.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5018 was substituted for Senate Bill No. 5018 and the substitute bill was placed on second reading and read the second time.

Senator Thorsness moved that the following amendment be adopted:

On page 33, after line 31, insert the following:

Sec. 43. Section 6, chapter 205, Laws of 1982, as last amended by section 19, chapter 240, Laws of 1988 and RCW 18.11.070 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter; or

(g) An auction held under chapter 19.150 RCW; or

(h) An auction of fur pelts conducted by any cooperative association organized under chapter 23.86 RCW or its wholly owned subsidiary, except as to that portion of the activities of the association that involve the handling or dealing in the fur pelts of nonmembers of the association: PROVIDED, That the association may purchase up to fifteen percent of the fur pelts auctioned from nonmembers for the purpose of completing lots or orders.

Renumber the remaining section consecutively.

Debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5018 was deferred.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8619

by Senators Amondson, Conner, Johnson, DeJarnatt, Rasmussen and Barr

WHEREAS, The U.S. Forest Service has determined to reduce the timber harvest level in the Olympic National Forest from a 1988 sales level of 212 million board feet, to a 1989 level of 113 million board feet; and

WHEREAS, This fifty-three percent reduction in the harvest level will cause the loss of 1800 Washington jobs, with drastic economic and social harm to the individuals, families and communities of the Olympic Peninsula; and

WHEREAS, The decision to reduce the harvest is based on the sighting of a single pair of spotted owl in the Olympic National Forest, and on the unsupported conclusion that the preservation of a minimum of 3,000 acres of old-growth timber is necessary to maintain the owls;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby endorses the communities of the Olympic Peninsula in their efforts to restore harvest levels to the near 200 million board feet level that is necessary to maintain economic and social stability; and

BE IT FURTHER RESOLVED, That the well-being of families on the Olympic Peninsula demands immediate attention and, therefore, the Washington State Senate encourages the Washington State Congressional delegation to work together with the communities of the Olympic Peninsula in promptly resolving this situation; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to members of Washington State's Congressional delegation, to the Secretary of the Interior, and to the Chief of the United States Forest Service.

Senators DeJarnatt, Conner and Owen spoke to Senate Resolution 1989-8619.

#### MOTION

Senator Rasmussen moved that the following resolution be adopted:

#### SENATE RESOLUTION 1989-8624

by Senators Rasmussen, Benitz, Amondson, Stratton, Owen and Patterson

WHEREAS, The Federal Salary Commission recommended that the salaries of members of Congress, federal judges and high administrative officials be raised from \$89,500 to \$135,000 a year; and

WHEREAS, This exorbitant increase is in the budget submitted to Congress; and

WHEREAS, Each house of the Congress must recommend by a vote of disapproval that this pay raise not take place; and

WHEREAS, House Speaker Jim Wright has refused to allow a vote until the pay raise becomes effective; and

WHEREAS, In the face of continuing national budget deficits in the billions, this is no time for members of Congress to allow such an increase to take place by default by failing to vote in each house on this issue; and

WHEREAS, A salary increase for Congress in an amount equal to federal employee pay raises would be appropriate;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That each member of the United States House of Representatives and the United States Senate be given the opportunity to cast their vote for or against the pay raise to \$135,000 prior to the effective date of the increase; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Washington State delegation in the Congress.

#### MOTION

Senator Vognild moved that the following amendment be adopted:  
On line 4, after WHEREAS, This, strike "exorbitant"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on line 4, to Senate Resolution 1989-8624.

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

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8624, as amended.

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8624, as amended.

Senate Resolution 1989-8624, as amended, was adopted on a rising vote.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5716.

On motion of Senator Newhouse, Senate Bill No. 5716 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5733.

On motion of Senator Newhouse, Senate Bill No. 5733 was referred to the Committee on Law and Justice.

#### MOTION

At 11:57 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 7, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## THIRTIETH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 7, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Chris Neilson and Tanya Perez, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 6, 1989

SB 5191 Prime Sponsor, Senator Pullen: Standardizing application of good-time credit statutes. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5208 Prime Sponsor, Senator Nelson: Creating the Washington condominium act. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5234 Prime Sponsor, Senator Pullen: Revising provisions for the criminal identification system. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5244 Prime Sponsor, Senator Lee: Prescribing requirements for mobile home park rental agreements. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 2, 1989

SB 5248 Prime Sponsor, Senator Bailey: Increasing penalties for the sale of drugs near schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1989

SB 5300 Prime Sponsor, Senator Lee: Updating references to women and minorities in apprenticeship programs statute. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 1, 1989

SB 5301 Prime Sponsor, Senator Williams: Updating code specifications for factory built housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5328 Prime Sponsor, Senator Bluechel: Revising provisions for the community economic revitalization board. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5365 Prime Sponsor, Senator Bender: Establishing standards for deferral of property tax on mobile home parks serving low-income persons. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 6, 1989

SB 5379 Prime Sponsor, Senator Hansen: Requiring a member from eastern Washington on the tax appeals board. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5379 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5536 Prime Sponsor, Senator McCaslin: Revising provisions for the state employees' benefits board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5538 Prime Sponsor, Senator Lee: Changing regulation of health studio services. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5668 Prime Sponsor, Senator Pullen: Providing for venue of juvenile proceedings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 6, 1989

SCR 8403 Prime Sponsor, Senator West: Providing for a joint select committee on employer-employee relations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 6, 1989

INITIATIVE TO THE LEGISLATURE 99 Presidential Primary. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Referred to Committee on Ways and Means.

#### MESSAGE FROM THE SECRETARY OF STATE

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

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 99, a copy of which was preliminarily certified to you on January 9, 1989, and we have determined that the Initiative contains the signatures of at least 157,132 legal voters of the state of Washington. As this number exceeds that required by the State Constitution (151,133), we hereby certify that the Initiative to the Legislature 99 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the state of Washington on this sixth day of February, 1989.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGES FROM THE HOUSE

February 6, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1010,

ENGROSSED HOUSE BILL NO. 1103,

SUBSTITUTE HOUSE BILL NO. 1599, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 3, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1025,

HOUSE BILL NO. 1027,

HOUSE BILL NO. 1035,

HOUSE BILL NO. 1038,

HOUSE BILL NO. 1060,

HOUSE BILL NO. 1106,

HOUSE BILL NO. 1182,

ENGROSSED HOUSE BILL NO. 1222,

HOUSE BILL NO. 1270,

HOUSE BILL NO. 1289,

HOUSE JOINT MEMORIAL NO. 4000,

ENGROSSED HOUSE JOINT RESOLUTION NO. 4200, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

INTRODUCTION AND FIRST READING

SB 5769 by Senators Metcalf, Barr and Craswell

AN ACT Relating to tax revenue limitations; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways and Means.

SB 5770 by Senator Smith

AN ACT Relating to first aid instruction for school district employees; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 5771 by Senator Nelson

AN ACT Relating to the assignment of rents; and amending RCW 7.28.230.

Referred to Committee on Law and Justice.

SB 5772 by Senators West, Kreidler, von Reichbauer, Stratton, Anderson, Benitz, Nelson, Niemi, McDonald and Bailey

AN ACT Relating to out-of-state pharmacies; adding new sections to chapter 18.64 RCW; adding a new section to chapter 48.20 RCW; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 5773 by Senators Pullen, Talmadge, Sellar and Bender

AN ACT Relating to persons rendering emergency care or transport; and amending RCW 4.24.300.

Referred to Committee on Law and Justice.

SB 5774 by Senators Smitherman and Warnke

AN ACT Relating to notaries public; amending RCW 64.08.060 and 64.08.070; adding a new chapter to Title 42 RCW; repealing RCW 42.44.010, 42.44.020, 42.44.030, 42.44.040, 42.44.050, 42.44.060, 42.44.070, 42.44.080, 42.44.090, 42.44.100, 42.44.110, 42.44.120, 42.44.130, 42.44.140, 42.44.150, 42.44.160, 42.44.170, 42.44.180, 42.44.190, 42.44.200, 42.44.900, 42.44.901, 42.44.902, and 42.44.903; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5775 by Senators Pullen, Smitherman and Bailey

AN ACT Relating to community corrections officers; and amending RCW 9.95.250.

Referred to Committee on Health Care and Corrections.

SB 5776 by Senator Pullen

AN ACT Relating to law enforcement training; amending RCW 35.21.333, 43.101.200, and 69.50.505; adding a new section to chapter 43.08 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5777 by Senators Lee, Warnke and von Reichbauer

AN ACT Relating to the sale of highway property; and adding a new section to chapter 47.20 RCW.

Referred to Committee on Transportation.

SB 5778 by Senators Bailey, Bender and Bauer

AN ACT Relating to uninsured motorists; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 5779 by Senator Smitherman

AN ACT Relating to criminal procedure; amending RCW 9.95.062; adding a new section to chapter 10.64 RCW; and adding a new section to chapter 10.82 RCW.

Referred to Committee on Law and Justice.

SB 5780 by Senator DeJarnatt

AN ACT Relating to the recognition of established drift area rights on the Columbia river, and establishing a registry of drift area rights; adding new section to chapter 75.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5781 by Senators Barr, Hansen, Benitz, Bauer, Bailey and Anderson

AN ACT Relating to establishing a uniform seed act; amending RCW 15.14.010; adding new sections to chapter 15.49 RCW; repealing RCW 15.49.010, 15.49.020, 15.49.030, 15.49.035, 15.49.040, 15.49.050, 15.49.060, 15.49.070, 15.49.080, 15.49.090, 15.49.100, 15.49.110, 15.49.120, 15.49.130, 15.49.140, 15.49.150, 15.49.160, 15.49.170, 15.49.180, 15.49.190, 15.49.200, 15.49.210, 15.49.220, 15.49.230, 15.49.240, 15.49.250, 15.49.260, 15.49.270, 15.49.280, 15.49.290, 15.49.300, 15.49.320, 15.49.340, 15.49.430, 15.49.440, and 15.49.450; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture.

SB 5782 by Senators Benitz, Hansen, Barr and Newhouse

AN ACT Relating to defrauding a public utility; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 5783 by Senators Metcalf, Kreidler and Owen

AN ACT Relating to the provision of recycling receptacles in state park campgrounds; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5784 by Senators Metcalf, Kreidler and Owen

AN ACT Relating to providing recycling receptacles along state highways; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5785 by Senators Metcalf, Kreidler and Owen

AN ACT Relating to recycling awareness week; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5786 by Senators Owen and Nelson

AN ACT Relating to the relocation of harbor lines; and amending RCW 79.92.030.

Referred to Committee on Environment and Natural Resources.

SB 5787 by Senators Moore, Rasmussen, McMullen, Gaspard, Conner, Warnke and Vognild

AN ACT Relating to voluntary arbitration of customer-broker disputes; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5788 by Senators Moore and Murray

AN ACT Relating to proper lane usage for trucks, buses, and recreational vehicles; and amending RCW 46.61.100.

Referred to Committee on Transportation.

SB 5789 by Senators Owen, Stratton, Bender and Rasmussen

AN ACT Relating to permanent parenting plans; and amending RCW 26.09.187.

Referred to Committee on Law and Justice.

SB 5790 by Senators von Reichbauer, Fleming, Johnson, McCaslin and McMullen

AN ACT Relating to residential mortgage loans; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1010 by Representatives Sayan, Patrick, Wang, Wineberry, R. King, Rector, Dellwo, Winsley, Basich and Day

Revising provisions for disability leave supplement for law enforcement officers and fire fighters.

Referred to Committee on Economic Development and Labor.

HB 1025 by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel (by request of Department of Fisheries)

Changing standards for commercial fishing licenses.

Referred to Committee on Environment and Natural Resources.

HB 1027 by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel (by request of Department of Fisheries)

Clarifying the authority of the director of fisheries.

Referred to Committee on Environment and Natural Resources.

HB 1035 by Representatives Haugen, S. Wilson, Anderson, May, McLean, Winsley, Wineberry and Morris

Providing additional qualifications for precinct election officers.

Referred to Committee on Governmental Operations.

- HB 1038 by Representatives Haugen, S. Wilson, Cooper, May, Leonard, Horn, Nutley, Ferguson, Jones and D. Sommers  
Changing provisions relating to county legislative authority meetings.  
Referred to Committee on Governmental Operations.
- HB 1060 by Representatives Cooper, Ferguson and Haugen (by request of Department of Community Development)  
Revising provisions on issuing state and local government bonds.  
Referred to Committee on Governmental Operations.
- EHB 1103 by Representatives Vekich, Cole, Patrick, O'Brien, Wang, Winsley, P. King, Beck and May (by request of Attorney General)  
Revising provisions for motor vehicle warranties.  
Referred to Committee on Economic Development and Labor.
- HB 1106 by Representatives Haugen, Ferguson, Cooper, Crane, Nealey and Phillips (by request of State Auditor)  
Changing the year end fiscal report requirement.  
Referred to Committee on Governmental Operations.
- HB 1182 by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips (by request of Department of Ecology)  
Revising local government roles in hazardous waste siting.  
Referred to Committee on Environment and Natural Resources.
- EHB 1222 by Representatives G. Fisher, D. Sommers, Rust, Fraser, Pruitt, Hine, Winsley, May, Phillips, Spanel, Cooper and Ebersole (by request of Department of Ecology and Washington State Patrol)  
Providing for containment of waste.  
Referred to Committee on Environment and Natural Resources.
- HB 1270 by Representatives Vekich, Patrick, Walker, Cole, Leonard and Winsley  
Providing an exception to the definition of sale for purposes of making a gift of liquor by private parties.  
Referred to Committee on Economic Development and Labor.
- HB 1289 by Representatives Cole, Patrick, Vekich, Leonard, Walker, Jones, Wolfe, Prentice and Smith  
Modifying business entertainment practices of liquor importers, wholesalers, or manufacturers.  
Referred to Committee on Economic Development and Labor.
- SHB 1599 by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Bristow, H. Sommers, Winsley, Miller, Sayan, Pruitt, Wineberry, P. King, Rayburn, Raiter, R. King, Belcher, Jones, Scott, Baugher, Jacobsen, H. Myers, Rasmussen, Spanel, Basich, Phillips, Appelwick and Day)  
Making appropriations for persons suffering from alcoholism or drug addiction.  
Referred to Committee on Ways and Means.
- HJM 4000 by Representatives Nelson, Hankins, Rust, Fuhrman, Jesernig, Schoon, Miller and Gallagher  
Memorializing Hanford as a national energy center.  
Referred to Committee on Energy and Utilities.

EHJR 4200 by Representatives Haugen, Ferguson, Winsley, May, Rayburn,  
P. King, Cooper and Jones

Amending the Constitution to provide an alternative method for the framing of  
a county charter.

Referred to Committee on Governmental Operations.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00  
a.m. Wednesday, February 8, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## THIRTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 8, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Aimee Stratton and Mindy Ward, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 6, 1989

SB 5108 Prime Sponsor, Senator Saling: Regarding visitation between an abused child and the abuser. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass. Signed by Senators Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5169 Prime Sponsor, Senator Smith: Providing for revenue collection by the department of social and health services. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Referred to Committee on Ways and Means.

February 6, 1989

SB 5224 Prime Sponsor, Senator Saling: Establishing the Washington scholars program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 6, 1989

SB 5227 Prime Sponsor, Senator Saling: Establishing a state writing project to train educators. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5395 Prime Sponsor, Senator Patterson: Revising provisions for adjustment of state appropriations for needy student financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING

SB 5791 by Senator McMullen

AN ACT Relating to recoveries under underinsured motorist coverage for injuries covered by industrial insurance; and amending RCW 51.24.030.

Referred to Committee on Economic Development and Labor.

SB 5792 by Senator McMullen

AN ACT Relating to third-party recoveries for injuries covered by industrial insurance; and amending RCW 51.24.030.

Referred to Committee on Economic Development and Labor.

SB 5793 by Senators Rasmussen, Benitz, Stratton, Cantu, Owen, Amondson and Johnson

AN ACT Relating to parents' rights in education; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 5794 by Senators Hansen and Barr

AN ACT Relating to motor vehicles; adding a new section to chapter 46.44 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 5795 by Senators Lee, Talmadge and Warnke

AN ACT Relating to federally assisted housing; adding a new chapter to Title 59 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5796 by Senator Sutherland

AN ACT Relating to recreational razor clam digging by handicapped persons; and amending RCW 75.25.080.

Referred to Committee on Environment and Natural Resources.

SB 5797 by Senators Pullen, Bender, von Reichbauer and Amondson

AN ACT Relating to local government building codes; and amending RCW 19.27.040, 19.27.060, and 19.27.074.

Referred to Committee on Governmental Operations.

SB 5798 by Senators Rasmussen, Pullen, McDonald, Talmadge, Barr, Conner and Metcalf

AN ACT Relating to the homestead exemption; and amending RCW 6.13.030.

Referred to Committee on Law and Justice.

SB 5799 by Senators Pullen, Rasmussen and Conner

AN ACT Relating to the prohibition of discrimination against handicapped or previously handicapped law enforcement officers and fire fighters; amending RCW 41.26.470; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5800 by Senators Lee, Smitherman and Sellar

AN ACT Relating to nursing home prospective rate adjustments; and amending RCW 74.46.495 and 74.46.500.

Referred to Committee on Health Care and Corrections.

SB 5801 by Senators Warnke and Pullen

AN ACT Relating to pollution in Lake Sawyer; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5802 by Senators West, Stratton, Saling, Craswell and Madsen

AN ACT Relating to the depreciation base of nursing homes whose depreciable assets were transferred but once between July 1, 1966, and July 1, 1986; and reenacting and amending RCW 74.46.360.

Referred to Committee on Health Care and Corrections.

SB 5803 by Senators Smith, Fleming, Bailey, Vognild, Warnke, Johnson and Talmadge

AN ACT Relating to consideration of minority race or minority ethnic heritage in adoptions and foster care placement; amending RCW 26.33.240, 13.32A.170, 26.33.020, and 74.15.030; reenacting and amending RCW 13.34.130 and 74.13.031; adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Children and Family Services.

SB 5804 by Senator Sutherland

AN ACT Relating to employment agencies; and adding a new section to chapter 19.31 RCW.

Referred to Committee on Economic Development and Labor.

SB 5805 by Senators Amondson, Wojahn, West, Kreidler, Thorsness, Niemi, Anderson, Gaspard, Benitz, Stratton, Moore and Fleming

AN ACT Relating to quality of care in nursing homes; amending RCW 74.46.481, 74.42.240, 74.42.380, 18.51.054, 18.51.060, 18.51.065, 74.42.580, 18.51.050, 18.51.430, 18.51.500, 18.51.410, 18.51.440, 18.51.460, 74.46.410, and 74.46.465; creating new sections; and repealing RCW 18.52A.050.

Referred to Committee on Health Care and Corrections.

SB 5806 by Senator Bluechel

AN ACT Relating to telephone exchange areas and territorial boundaries; and amending RCW 80.36.230.

Referred to Committee on Energy and Utilities.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5018 and the pending amendment by Senator Thorsness on page 33, line 31, deferred February 6, 1989.

Debate on the amendment ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Thorsness on page 33, line 31, to Substitute Senate Bill No. 5018.

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

#### MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted: On page 1, line 2 of the title, before "23.86.010", insert "18.11.070."

On motion of Senator Newhouse, the rules were suspended. Engrossed Substitute Senate Bill No. 5018 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5018.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators DeJarnatt, Fleming, Sutherland - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5018, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1989 Washington State Apple Blossom royalty and appointed Senators Sellar, Matson, Thorsness, Hansen, Patterson, Bauer and Anderson to escort the special guests to the Senate Rostrum.

The President turned the gavel over to Senator Sellar who introduced the Apple Blossom Queen, Stephanie Lynn Smith, and Princesses Amy Chapman and Rosie Deal.

With permission of the Senate, business was suspended to permit Queen Stephanie to address the Senate.

Senator Hayner welcomed the members of the Apple Blossom Royalty to the Senate.

Senator Sellar returned the gavel to the President and the honored guests were escorted from the Senate Chamber and the committee was discharged.

## MOTION

At 10:25 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5094, by Senators West, Lee, Talmadge and Johnson

Providing for state registration of beer kegs.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 3, after line 32, insert the following

**\*NEW SECTION.** Sec. 8. The sum of ten thousand six hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the liquor revolving fund to the liquor control board for the purposes of this act.\*

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5094 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, we're on the beer keg registration bill, and I guess this is probably as good as time as any to ask the question. This is a bill or a proposal that is contained in the Omnibus Drug and Alcohol Act that was the product of the task force that you and Speaker King recommended. What, I guess, we need to know is at what point we will be considering the Omnibus Bill or if it's the intention of the majority to break the Omnibus Bill up and treat it in separate bills such as the keg registration bill that's before us this morning?"

Senator Hayner: "Senator Talmadge, this bill got on the calendar before we actually began considering the Omnibus Bill. It is my intention that those committees that are dealing with various parts of it, other than Law and Justice, when they finish it, if they pass a part of it out, they will send it over to Law and Justice and we can perhaps put it back together there. This one got ahead of us and I see nothing wrong with passing it. We could put it back in that other bill once it's passed."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5094.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 40.

Voting nay: Senators Madsen, Matson, Moore, Murray, Niemi, Rinehart, Williams - 7.

Absent: Senators Vognild, Warnke - 2.

ENGROSSED SENATE BILL NO. 5094, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced guests of Senator Conner, a Past State President of the Fraternal Order of Eagles. The Eagles Auxiliary Dignitaries who were seated in the gallery were Grand Madam President, Jean Dockall, of Clute, Texas; Past State President, Elanor Lindquist of Chehalis, Washington; Madam State President, Janyce Smith, of Snohomish, Washington; and Madam State Vice President, Penny Kegerreis, of Monroe, Washington.

#### MOTION

On motion of Senator Bender, Senator McMullen was excused.

#### SECOND READING

SENATE BILL NO. 5107, by Senators Smith, Stratton and Craswell

Regarding abuse or exploitation of vulnerable adults/registry.

#### MOTIONS

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5107 was substituted for Senate Bill No. 5107 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 31, after "herself" insert "or a patient in a state hospital as defined in chapter 72.23 RCW"

On page 4, line 34, after "18.51," strike "or"

On page 4, line 34, after "18.20" insert ", or 72.23"

On page 6, line 35, after "18.51," strike "or"

On page 6, line 36, after "18.20" insert ", or 72.23"

On page 14, after line 8, insert the following:

"NEW SECTION, Sec. 12. A new section is added to chapter 72.23 RCW to read as follows:

In consultation with law enforcement personnel, the secretary shall have the power and duty to investigate the conviction record and the protection proceeding record information under chapter 43.43 RCW of each prospective employee of a state hospital."

Debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "Senator West, the particular chapter you that cite here, 72.23, deals with both public and private institutions for mentally ill. Is it your intention for the authority in this bill to be vested so it affects both?"

Senator West: "Senator Smitherman, this amendment would only affect state employees in state hospitals. The reason that would be in is in the definition of a vulnerable adult that we're adding here on this first amendment on page 3, line 31, or a patient in a state hospital and so it would have the limiting effect of applying only to our employees."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 3, line 31, page 4, line 34, page 6, lines 35 and 36, and page 14, line 8, to Substitute Senate Bill No. 5107.

The motion by Senator West carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 3 of the title, after "43.43.740;" insert "adding a new section to chapter 72.23 RCW;"

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5107 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5107.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Amondson, McMullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5107, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTION

Senator Bluechel moved that the following resolution be adopted:

#### SENATE RESOLUTION 1989-8618

by Senators Bluechel, Vognild, Hayner, Warnke and Anderson

WHEREAS, Washington is a state with enormous, but as of yet unrealized potential; and

WHEREAS, Achievement of its potential could give Washington a clean and liveable environment, an educational system that promotes lifetime learning, high employment in satisfying jobs, and a stable and diversified economy; and

WHEREAS, Washington has the closest of all U.S. ports to the countries of the Pacific Rim, is equidistant from the markets of both the new European Community and the Pacific Rim, has a diversified industrial base with a highly skilled and productive work force, and has an unsurpassed natural environment abundant with resources; and

WHEREAS, The location and unique qualities of the state of Washington give it the potential to be a key player in the emerging global economy, particularly in the economy of the Pacific Rim; and

WHEREAS, Although rich in assets, Washington has certain liabilities. It is distant from major U.S. markets and is vulnerable to "protective" trade legislation. Moreover, while Washington's educational system and centers for research and development are among the best in the nation, their enhancement would further improve the high quality of life enjoyed in Washington; and

WHEREAS, Washington lacks a defined legislative process to realize its future potential; and

WHEREAS, The current legislative process tends to be focused on short term problem solving, and is not conducive to the achievement of long-range goals and objectives; and

WHEREAS, To fulfill this potential, Washington needs a process focused not only on what we are now, but also on what we can be in the future. The Legislature can provide that process by occupying the role of the catalyst that unites all segments of our society in setting long-range goals and objectives for the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That a special committee to be called the "Senate Select Committee on Washington 2000 A.D." is hereby established; and

BE IT FURTHER RESOLVED, That the Lieutenant Governor shall appoint three members from each of the Senate caucuses to serve on the committee. The committee shall choose a chairman from among its members, and shall meet at the call of the chairman. The committee shall report to the Legislature at regular intervals, and shall continue in existence until it has accomplished its objectives; and

BE IT FURTHER RESOLVED, That the committee shall solicit the cooperation and input of members of the private sector, of the public sector, and of the academic community; and

BE IT FURTHER RESOLVED, That the committee, in conjunction with the standing committees of the Senate, shall develop a process for the identification and refinement of goals and objectives for the state of Washington and shall design and implement a legislative process for achieving those goals and objectives by the year 2000 A.D.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, we've talked about this many times. I'm sorry to ask you this question Senator Bluechel, but we had WPPSS--which cost us a lot of money--and that was supposed to take care of all the power situations beyond the year 2000. We have Schools of the 21st Century and we have Washington Institute for Public Policy--I don't know what they do except send out bulletins--but what is this going to cost us? Do you have an estimate of the cost?"

Senator Bluechel: "We will hire one staff member within the allocation under F&O and if he is not working on this, he will be working on the standard research staff projects as are all committee staff. Other than that, there is no cost. Basically, this is an in-house legislative committee designed to structure a process which would be used by the committee chairman over a series of years to implement goals and objectives."

Senator Rasmussen: "Could you tell the body how much we have spent already, from private enterprise?"

Senator Bluechel: "From private enterprise, we had a donation of one person's time for six months and that person was a very high-level technician and he donated, effectively, fifty thousand dollars."

Senator Rasmussen: "And it's anticipated we'll get more private enterprise money?"

Senator Bluechel: "We anticipate that we will have the expertise, which we don't have in this body or in our staff, to design the programs with no cost to us. The offers have been made. They will assist us in designing a program. Once a program is designed, and it's a fairly technical program, then it's simple to use. It's a complex design, but it's simple to use and we don't anticipate any cost of that."

Senator Rasmussen: "We should save money, because we will only then introduce five or ten bills per specific purpose after the plan gets working?"

Senator Bluechel: "What we are looking at, Senator Rasmussen, is looking down the road. Right now, it is very difficult to take a look at the state of Washington on a long-term basis and say what should we do. Using the expertise

of the legislative committee over a period of years and providing a framework in which they will operate to achieve these long range goals, that's what this is all about. The committee is really structuring a process. We do not enter into policy. The policy is done by the standing committees to the Legislature."

Senator Rasmussen: "Thank you. The reason I am asking these questions, I intend to read the Journal in the year 2000, and find out how we've adhered to the plan."

Senator Bluechel: "Well, if it works, Senator Rasmussen, we should be the leading state in the country and be very prominent in the Pacific Rim."

Senator Rasmussen: "That gives me a goal. Thank you, Senator Bluechel."

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8618.

Senate Resolution 1989-8618 was adopted by voice vote.

#### APPOINTMENT OF SENATE SELECT COMMITTEE ON WASHINGTON 2000 A.D.

The President appointed Senators Bluechel, Cantu, Hayner, McMullen, Sutherland and Williams to the Senate Select Committee on Washington 2000 A.D.

#### MOTION

On motion of Senator Newhouse, the appointments were confirmed.

#### MOTION

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

#### SENATE RESOLUTION 1989-8614

by Senators Gaspard, von Reichbauer, Rasmussen, Madsen, Warnke, Johnson and Wojahn

WHEREAS, Being named an All-American is the highest honor a Division I National Collegiate Athletic Association athlete can attain; and

WHEREAS, Laurie Wetzel was named to the 1988 NCAA All-American Women's Volleyball Team; and

WHEREAS, Laurie played four years of outstanding varsity volleyball, two years as team captain, leading the University of Washington Huskies to their best season ever; and

WHEREAS, Laurie and the Huskies won their way to the honor of playing in the regional playoffs; and

WHEREAS, Laurie was named PAC-10 Player of the Week, to the PAC-10 All-Conference team twice, to the All-Region team, was drafted by the New York professional volleyball team, and was honored by being nominated for P-I Sports Star of the Year; and

WHEREAS, Laurie has demonstrated extraordinary team leadership and individual athletic accomplishments through her hard work and dedication to her sport, while at the same time pursuing a successful academic course;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Laurie Wetzel for the pride which she brought to the state of Washington, and celebrate her achievements; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Laurie Wetzel.

#### MOTION

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

#### SENATE RESOLUTION 1989-8622

by Senators Conner and DeJarnatt

WHEREAS, On December 22, 1988, a barge off the Washington Coast was ruptured, and over two hundred thousand gallons of petroleum products were spilled into the waters of the Pacific Ocean west of Grays Harbor; and

WHEREAS, Thousands of marine birds came in contact with the spilled oil, which covered their feathers and resulted in the loss of insulation, internal complications, and sometimes death; and



WHEREAS, It has been shown that measures can be taken to clean birds, and if they are reached in time, return them to good health; and

WHEREAS, Over fifteen hundred residents of Washington responded to the plight of the oiled birds, and volunteered to assist in cleaning and restoring the birds back to health; and

WHEREAS, The volunteers worked up to sixteen hours a day during and after the Christmas holidays to search for, feed and wash the oiled birds, and provide support services; and

WHEREAS, The cities of Ocean Shores and Hoquiam donated the use of facilities, and hundreds of citizens and corporations donated food, housing, and supplies;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and thank the thousands of volunteers who so generously donated their time and services in this humanitarian effort; and

BE IT FURTHER RESOLVED, That the Senate recognize and thank the cities of Ocean Shores and Hoquiam, and the hundreds of citizens and corporations who donated food, housing, and supplies.

Senator DeJarnatt spoke to Senate Resolution 1989-8622.

#### MOTION

Senator Newhouse moved that the following resolution be adopted:

#### SENATE RESOLUTION 1989-8617

by Senators Hayner, Sellar and Newhouse

BE IT RESOLVED, That the proposed Senate Rules for the 1989 Legislative Session be adopted as the Senate Rules for the 1989 Regular Session of the Fifty-first Legislature, to read as follows:

#### PERMANENT RULES OF THE SENATE

#### ~~((FIFTEETH))~~ FIFTY-FIRST LEGISLATURE ~~((1988))~~ 1989

#### SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- RULE 1 Duties of the President
- RULE 2 President Pro Tem
- RULE 3 Secretary of the Senate
- RULE 4 Sergeant at Arms
- RULE 5 Subordinate Officers
- RULE 6 Employees
- RULE 7 Conduct of Members and Officers

#### SECTION II - OPERATIONS AND MANAGEMENT

- RULE 8 Payment of Expenses - Facilities and Operations
- RULE 9 Use of Senate Chambers
- RULE 10 Admission to the Senate
- RULE 11 Printing of Bills
- RULE 12 Furnishing Full File of Bills
- RULE 13 Regulation of Lobbyists
- RULE 14 Security Management

#### SECTION III - RULES AND ORDER

- RULE 15 Time of Convening
- RULE 16 Quorum
- RULE 17 Order of Business
- RULE 18 Special Order
- RULE 19 Unfinished Business
- RULE 20 Motions and Senate Floor Resolutions (How Presented)
- RULE 21 Precedence of Motions
- RULE 22 Voting
- RULE 23 Announcement of Vote
- RULE 24 Call of the Senate

- RULE 25 One Subject in a Bill
- RULE 26 No Amendment by Mere Reference to Title of Act
- RULE 27 Reading of Papers
- RULE 28 Comparing Enrolled and Engrossed Bills
- SECTION IV - PARLIAMENTARY PROCEDURE
  - RULE 29 Rules of Debate
  - RULE 30 Recognition by the President
  - RULE 31 Call for Division of a Question
  - RULE 32 Point of Order - Decision Appealable
  - RULE 33 Question of Privilege
  - RULE 34 Protests
  - RULE 35 Suspension of Rules
  - RULE 36 Previous Question
  - RULE 37 Reconsideration
  - RULE 38 Motion to adjourn
  - RULE 39 Yeas and Nays - When Must be Taken
  - RULE 40 Reed's Parliamentary Rules
- SECTION V - COMMITTEES
  - RULE 41 Committees - Appointment and Confirmation
  - RULE 42 Subcommittees
  - RULE 43 Subpoena Power
  - RULE 44 Duties of Committees
  - RULE 45 Committee Rules
  - RULE 46 Committee Meetings During Sessions
  - RULE 47 Reading of Reports
  - RULE 48 Recalling Bills from Committees
  - RULE 49 Bills Referred to Rules Committee
  - RULE 50 Rules Committee
  - RULE 51 Employment Committee
  - RULE 52 Committee of the Whole
  - RULE 53 Appropriation Budget Bills
- SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS
  - RULE 54 Definitions
  - RULE 55 Prefiling
  - RULE 56 Introduction of Bills
  - RULE 57 Amendatory Bills
  - RULE 58 Joint Resolutions and Memorials
  - RULE 59 Senate Concurrent Resolutions
  - RULE 60 Committee Bills
  - RULE 61 Committee Reference
  - RULE 62 Reading of Bills
  - RULE 63 First Reading
  - RULE 64 Second Reading/Amendments
  - RULE 65 Third Reading
  - RULE 66 Scope and Object of Bill Not to be Changed
  - RULE 67 Matter Related to Disagreement Between the Senate and House
  - RULE 68 Bills Committed for Special Amendment
  - RULE 69 Confirmation of Gubernatorial Appointees

## SECTION I

## OFFICERS-MEMBERS-EMPLOYEES

## DUTIES OF THE PRESIDENT

RULE 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the

sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers, employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

#### PRESIDENT PRO TEM

RULE 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tem who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tem who will serve in the absence of the lieutenant governor and the president pro tem. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tem, and vice president pro tem, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

#### SECRETARY OF THE SENATE

RULE 3. 1. The senate shall elect a secretary, who shall appoint an assistant secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

#### SERGEANT AT ARMS

RULE 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

## SUBORDINATE OFFICERS

RULE 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

## EMPLOYEES

RULE 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to (a) obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of senate employment.

4. A legislative employee shall not accept or solicit anything of value under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

5. A legislative employee shall not disclose confidential information acquired by reason of senate employment to any person or group not entitled to receive such information, nor shall such information be used for personal gain or to benefit others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, shall directly or indirectly be required to make any contribution to a political candidate, committee or party.

## CONDUCT OF MEMBERS AND OFFICERS

RULE 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator, officer, or employee shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

## SECTION II OPERATIONS AND MANAGEMENT

### PAYMENT OF EXPENSES - FACILITIES AND OPERATIONS

**RULE 8.** 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate authorizing the payment thereof.

The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

### USE OF SENATE CHAMBERS

**RULE 9.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

### ADMISSION TO THE SENATE

**RULE 10.** The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,

Members of the house of representatives,

State elected officials,

Officers and authorized employees of the legislature,

Honored guests being presented to the senate,

Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,

Representatives of the press,

Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

### PRINTING OF BILLS

**RULE 11.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

### FURNISHING FULL FILE OF BILLS

**RULE 12.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules. The

secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

#### REGULATION OF LOBBYISTS

RULE 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

#### SECURITY MANAGEMENT

RULE 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

### SECTION III RULES AND ORDER

#### TIME OF CONVENING

RULE 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day.

The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

#### QUORUM

RULE 16. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

#### ORDER OF BUSINESS

RULE 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials and joint resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials and resolutions.

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

#### SPECIAL ORDER

RULE 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

## UNFINISHED BUSINESS

RULE 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

MOTIONS AND SENATE FLOOR RESOLUTIONS  
(HOW PRESENTED)

RULE 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the tenth day preceding adjournment sine die of any regular session, senate floor resolutions automatically shall be referred to the committee on rules.

## PRECEDENCE OF MOTIONS

RULE 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

## PRIVILEGED MOTIONS

Adjourn or recess  
Reconsider  
Demand for call of the senate  
Demand for roll call  
Demand for division  
Question of privilege  
Orders of the day

## INCIDENTAL MOTIONS

Points of order and appeal  
Method of consideration  
Suspend the rules  
Reading papers  
Withdraw a motion  
Division of a question

## SUBSIDIARY MOTIONS

1st Rank: To lay on the table  
2nd Rank: For the previous question  
3rd Rank: To postpone to a day certain  
To commit or recommit  
To postpone indefinitely  
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

## VOTING

RULE 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

#### ANNOUNCEMENT OF VOTE

RULE 23. The announcement of all votes shall be made by the president.

#### CALL OF THE SENATE

RULE 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

#### ONE SUBJECT IN A BILL

RULE 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

#### NO AMENDMENT BY MERE REFERENCE TO TITLE OF ACT

RULE 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

#### READING OF PAPERS

RULE 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

#### COMPARING ENROLLED AND ENGROSSED BILLS

RULE 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

### SECTION IV PARLIAMENTARY PROCEDURE

#### RULES OF DEBATE

RULE 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor



shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

#### RECOGNITION BY THE PRESIDENT

RULE 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

#### CALL FOR DIVISION OF A QUESTION

RULE 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

#### POINT OF ORDER - DECISION APPEALABLE

RULE 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

#### QUESTION OF PRIVILEGE

RULE 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

#### PROTESTS

RULE 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

#### ADOPTION AND SUSPENSION OF RULES

RULE 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

#### PREVIOUS QUESTION

RULE 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

#### RECONSIDERATION

RULE 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the

order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

#### MOTION TO ADJOURN

RULE 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

#### YEAS AND NAYS - WHEN MUST BE TAKEN

RULE 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

#### REED'S PARLIAMENTARY RULES

RULE 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

#### SECTION V

##### COMMITTEES } COMMITTEES—APPOINTMENT AND CONFIRMATION

RULE 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	((6)) 7
2. Economic Development and Labor	11
3. Higher Education	7
4. Education	((9)) 11
5. Energy and Utilities	9
6. Financial Institutions and Insurance	((9)) 11
7. Governmental Operations	((7)) 5
8. Health Care and Corrections	7
9. Children and Family Services	((7)) 5
10. Law and Justice	((9)) 11
11. Environment and Natural Resources	9
12. Rules	16
13. Transportation	14
14. Ways and Means	((2+)) 23

#### SUBCOMMITTEES

RULE 42. Committee chairmen may create subcommittees of the standing committee and designate subcommittee chairmen thereof to study subjects within the jurisdiction of the standing committee. The committee chairmen shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee

approval to the same extent as are the actions of the standing committee from which they derive their authority.

#### SUBPOENA POWER

RULE 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chairman shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

#### DUTIES OF COMMITTEES

RULE 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

#### COMMITTEE RULES

RULE 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

3. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

4. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

5. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

6. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

7. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

8. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

9. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

10. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

#### COMMITTEE MEETINGS DURING SESSIONS

RULE 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

#### READING OF REPORTS

RULE 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

#### RECALLING BILLS FROM COMMITTEES

RULE 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

#### BILLS REFERRED TO RULES COMMITTEE

RULE 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

#### RULES COMMITTEE

RULE 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

#### EMPLOYMENT COMMITTEE

RULE 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

#### COMMITTEE OF THE WHOLE

RULE 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

#### APPROPRIATION BUDGET BILLS

RULE 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

SECTION VI  
BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

DEFINITIONS

RULE 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

PREFILING

RULE 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

INTRODUCTION OF BILLS

RULE 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

AMENDATORY BILLS

RULE 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

JOINT RESOLUTIONS AND MEMORIALS

RULE 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

SENATE CONCURRENT RESOLUTIONS

RULE 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

COMMITTEE BILLS

RULE 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

## COMMITTEE REFERENCE

RULE 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

## READING OF BILLS

RULE 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

## FIRST READING

RULE 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chairman shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

## SECOND READING/AMENDMENTS

RULE 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

## THIRD READING

RULE 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

## SCOPE AND OBJECT OF BILL NOT TO BE CHANGED

RULE 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.)

## MATTERS RELATED TO DISAGREEMENT BETWEEN THE SENATE AND HOUSE

RULE 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur

To non-concur

To recede

To insist

To adhere

These motions are in order as to any single amendment or to a series of amendments.

(See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

#### BILLS COMMITTED FOR SPECIAL AMENDMENT

RULE 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

#### CONFIRMATION OF GUBERNATORIAL APPOINTEES

RULE 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chairman of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected. (Article 13 of the State Constitution.)

#### MOTION

Senator Vognild moved that the following amendment be adopted:

On page 28, line 701, after "budget" strike ", capital budget"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild on page 28, line 701, to Senate Resolution 1989-8617.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amundson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalfe, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator McMullen - 1.

## MOTION

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

On page 8, line 200, after "senator" strike ".", and insert "or" and after "officer" strike ".", or "employee"

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8617, as amended.

Debate ensued.

The motion by Senator Newhouse carried and Senate Resolution 1989-8617, as amended, was adopted.

## MOTIONS

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

On motion of Senator Nelson, the Committee on Transportation was relieved of further consideration of Senate Joint Resolution No. 8213.

On motion of Senator Nelson, Senate Joint Resolution No. 8213 was referred to the Committee on Ways and Means.

On motion of Senator Nelson, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5642.

On motion of Senator Nelson, Senate Bill No. 5642 was referred to the Committee on Ways and Means.

## MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:30 a.m., Thursday, February 9, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## THIRTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 9, 1989

The Senate was called to order at 11:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bender, Fleming, Lee, Matson, McDonald, Metcalf, Owen, Pullen, Warnke, West and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Jill Dunning and Anne Marie Ensman, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 8, 1989

SB 5036 Prime Sponsor, Senator Pullen: Revising provisions on crime victims rights. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 8, 1989

SB 5058 Prime Sponsor, Senator Pullen: Creating a law enforcement officer pool. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5073 Prime Sponsor, Senator Pullen: Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5073 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Niemi, Rinehart, Talmadge.

Referred to Committee on Ways and Means.

February 8, 1989

SB 5110 Prime Sponsor, Senator Pullen: Regulating adverse possession. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Niemi, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

February 7, 1989

SB 5116 Prime Sponsor, Senator Barr: Prohibiting animals at large. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5116 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5133 Prime Sponsor, Senator McCaslin: Changing provisions regarding utility local improvement districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 7, 1989

SB 5146 Prime Sponsor, Senator Owen: Providing a Hood Canal marine fish preservation area. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5146 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5151 Prime Sponsor, Senator Wojahn: Extending senior citizen state park passes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5215 Prime Sponsor, Senator Saling: Authorizing financial aid to needy students enrolled on at least a half-time basis. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 8, 1989

SB 5297 Prime Sponsor, Senator DeJarnatt: Disallowing secret ballot voting at open public meetings. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5297 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5335 Prime Sponsor, Senator Smitherman: Improving state motor vehicle operations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Referred to Committee on Ways and Means.

February 8, 1989

SB 5369 Prime Sponsor, Senator Bluechel: Providing for a study of mobile home availability. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5403 Prime Sponsor, Senator McCaslin: Providing for greater cost efficiency in disposing of state surplus property. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman, DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5419 Prime Sponsor, Senator DeJarnatt: Allowing Oregon charter boats to fish in Washington waters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5424 Prime Sponsor, Senator Metcalf: Providing for landowner liability protection for volunteer projects. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5437 Prime Sponsor, Senator Lee: Changing provisions relating to the productivity board. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Senate Committee on Ways and Means. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 8, 1989

SB 5486 Prime Sponsor, Senator McCaslin: Increasing the license period for real estate brokers and salespersons from one year to two years. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5487 Prime Sponsor, Senator McCaslin: Requiring real estate licensees to disclose certain information in writing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 6, 1989

SB 5533 Prime Sponsor, Senator Rasmussen: Authorizing the removal or destruction of seals and sea lions preying upon salmon or steelhead. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Owen.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5562 Prime Sponsor, Senator Amondson: Providing for the appointment of community college trustees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5583 Prime Sponsor, Senator Pullen: Replacing the Washington business corporation act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5636 Prime Sponsor, Senator Smitherman: Revising the state/federal relationship regarding unemployment compensation benefits, recovery, and confidentiality. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5681 Prime Sponsor, Senator Lee: Reenacting and amending provisions for asbestos projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 7, 1989

SJM 8008 Prime Sponsor, Senator Sutherland: Petitioning congress to amend the outer continental shelf act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 7, 1989

SJM 8009 Prime Sponsor, Senator Sutherland: Requesting congress to amend the outer continental shelf lands act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 7, 1989

GA 9008 DENNIS E. CHILBERG, appointed January 26, 1988, for a term ending June 30, 1991, as a member of the Housing Finance Commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen.

Passed to Committee on Rules.

February 7, 1989

GA 9040 LARRY KOWBEL, appointed January 26, 1988, for a term ending June 30, 1991, as a member of the Housing Finance Commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen.

Passed to Committee on Rules.

February 8, 1989

GA 9060 ANTONIO SANTOY, reappointed April 22, 1988, for a term ending April 3, 1992, as a member of the State Board for Community College Education. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 8, 1989

GA 9070 VIRGINIA E. SPRENKLE, appointed June 23, 1988, for a term ending September 30, 1989, as a member of the Board of Trustees for Everett Community College District No. 5.  
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

## MESSAGES FROM THE HOUSE

February 8, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1024,

SUBSTITUTE HOUSE BILL NO. 1044,

HOUSE BILL NO. 1053,

HOUSE BILL NO. 1110,

HOUSE BILL NO. 1138,

SUBSTITUTE HOUSE BILL NO. 1161,

HOUSE BILL NO. 1162,

SUBSTITUTE HOUSE BILL NO. 1261,

HOUSE BILL NO. 1400,

HOUSE JOINT MEMORIAL NO. 4001, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 8, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5807 by Senators Pullen, Talmadge, Rasmussen, Fleming, Warnke, Metcalf, Newhouse, Niemi and Kreidler

AN ACT Relating to archaeological objects and sites; the protection of Indian and historic graves; amending RCW 27.53.030 and 27.53.060; adding new sections to chapter 27.44 RCW; adding new sections to chapter 68.05 RCW; creating new sections; repealing RCW 27.44.010; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5808 by Senators Lee, Matson, McMullen, Warnke and Vognild

AN ACT Relating to industrial insurance; and amending RCW 51.14.020.

Referred to Committee on Economic Development and Labor.

SB 5809 by Senator Amondson

AN ACT Relating to shopping center directional signs; and amending RCW 47.36.270.

Referred to Committee on Transportation.

SB 5810 by Senators Barr, Madsen, Sutherland and Benitz

AN ACT Relating to hazardous materials clean up; and amending RCW 4.24.314.

Referred to Committee on Agriculture.

SB 5811 by Senators Johnson, Rasmussen, Gaspard, Wojahn, Madsen and Smitherman

AN ACT Relating to assaults on fire investigators, fire inspectors, and deputy state fire marshals; and amending RCW 9A.36.031.

Referred to Committee on Law and Justice.

SB 5812 by Senators McCaslin, Warnke, Lee and Johnson

AN ACT Relating to motor vehicle common carriers; adding a new section to chapter 81.80 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5813 by Senators McCaslin, Warnke and Lee

AN ACT Relating to mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures; adding a new section to chapter 43.22 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5814 by Senators Metcalf and Rasmussen

AN ACT Relating to environmental statistics and trends; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5815 by Senator Metcalf

AN ACT Relating to floating aquaculture; amending RCW 34.04.150, 34.05.030, 90.58-.030, and 90.58.180; adding a new section to chapter 90.58 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5816 by Senators Metcalf and Rasmussen

AN ACT Relating to aquaculture disease control; and adding a new section to chapter 75.58 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5817 by Senator Metcalf

AN ACT Relating to floating aquaculture; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5818 by Senators Metcalf and Owen

AN ACT Relating to food fish and shellfish; amending RCW 75.10.030, 75.10.110, 75.10-.120, 75.10.130, and 75.10.140; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5819 by Senators Metcalf, Owen, Rasmussen and Bauer

AN ACT Relating to the seizure and forfeiture of personal property for wildlife offenses; amending RCW 77.12.170, 77.21.040, and 77.21.060; adding new sections to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5820 by Senators West, Saling, Stratton, McCaslin and Warnke

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Economic Development and Labor.

SB 5821 by Senators Rinehart, Bailey and Murray

AN ACT Relating to a model intergenerational child care program to help teenage mothers from dropping out of school; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5822 by Senators Cantu, Matson, Saling and McCaslin

AN ACT Relating to prevailing wage; amending RCW 39.12.010, 39.12.015, 39.12.020, and 39.12.030; adding a new section to chapter 39.12 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5823 by Senator Moore

AN ACT Relating to a mandatory retirement age for ferry captains; amending RCW 41.04.350; and adding a new section to chapter 47.64 RCW.

Referred to Committee on Transportation.

SB 5824 by Senators Johnson and McMullen

AN ACT Relating to payments by health care service contractors; and amending RCW 48.44.026.

Referred to Committee on Health Care and Corrections.

SB 5825 by Senators Niemi, Talmadge, Rinehart, Murray, Lee, Moore and Stratton

AN ACT Relating to community property; and amending RCW 26.09.080.

Referred to Committee on Law and Justice.

SB 5826 by Senators Bauer, Bailey, West, Rinehart, Saling, Barr, Patterson, Gaspard, Murray, Anderson, Fleming and Bender

AN ACT Relating to student teaching pilot projects; amending RCW 28A.70.400 and 28A.70.408; amending section 210, chapter 525, Laws of 1987 (uncodified); creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 5827 by Senators Barr and Moore

AN ACT Relating to pet theft prevention, pet protection, and certification to minimize theft or unintentional sale for biomedical research purposes; amending RCW 9.08.070; adding new sections to chapter 9.08 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5828 by Senator Nelson

AN ACT Relating to private participation for funding transportation improvements; and amending RCW 39.92.040.

Referred to Committee on Transportation.

SB 5829 by Senators Lee and Johnson

AN ACT Relating to the state salary and fringe benefits surveys; and amending RCW 28B.16.110, 28B.16.112, 28B.16.113, 41.06.160, 41.06.163, 41.06.165, and 41.06.167.

Referred to Committee on Ways and Means.

SB 5830 by Senator Lee

AN ACT Relating to unemployment insurance coverage for service performed in agricultural employment; amending RCW 50.04.150 and 50.29.025; creating a new section; declaring an emergency; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 5831 by Senators Warnke and Smitherman

AN ACT Relating to the housing trust fund; amending RCW 59.18.270; and providing effective dates.

Referred to Committee on Economic Development and Labor.

SB 5832 by Senators Thorsness, Talmadge, Fleming, McCaslin, Lee, Owen, Saling, Bailey, von Reichbauer, Bender, Smitherman, Bauer, DeJarnatt, Gaspard, Vognild, Rasmussen, Barr, Wojahn, Warnke, Stratton, West, Conner, Johnson, Metcalf, Madsen, Matson, Anderson, McMullen and Newhouse

AN ACT Relating to alcohol and controlled substances abuse; amending RCW 9.94A-.310, 69.50.401, 9A.36.050, 10.95.020, 72.02.200, 13.40.030, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.090, 69.50.101, 69.50.505, 5.62.020, 18.83.110, 70.96A.020, 70.96A.120, 70.96A.140, 66.24.210, 66.24.290, 82.08.150, 82.24.020, and 82.26.020; reenacting and amending RCW 9.94A.320, 9.94A.360, 9.94A.120, and 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 28A.120 RCW; adding new sections to



chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding a new chapter to Title 72 RCW; adding a new section to chapter 82.02 RCW; creating new sections; prescribing penalties; making appropriations; providing expiration dates; and declaring an emergency.

Referred to Committee on Law and Justice.

**SB 5833** by Senators Pullen, Talmadge, Madsen, Thorsness, Niemi and Nelson

AN ACT Relating to the disposition and sentencing of juvenile offenders; and amending RCW 9.94A.060, 13.40.020, 13.40.025, 13.40.027, 13.40.030, 13.40.070, 13.40.160, and 13.40.280; adding new sections to chapter 13.40 RCW; repealing RCW 13.40.035 and 13.40.036; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

**SB 5834** by Senators Pullen, Rasmussen, Conner, Metcalf, Benitz, Amondson, Thorsness, Craswell and Lee

AN ACT Relating to felony plea agreements; adding new sections to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law and Justice.

**SB 5835** by Senators Benitz and Rasmussen

AN ACT Relating to energy education; adding a new section to chapter 28A.05 RCW; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

**SB 5836** by Senators Amondson, Kreidler, Metcalf, Benitz, Sutherland, Barr, Pullen and Bauer

AN ACT Relating to local government solid waste facilities and services procurement; amending RCW 35.21.120, 35.21.152, 35.21.154, 35.22.625, 35.23.351, 35.92.020, 35.92.024, 36.32.265, 36.58.040, 36.58.090, and 39.04.175; recodifying RCW 35.92.024; and repealing RCW 35.23.353 and 35.92.022.

Referred to Committee on Environment and Natural Resources.

**SB 5837** by Senators Owen, McCaslin, McDonald, Stratton and Nelson

AN ACT Relating to permanent parenting plans; and amending RCW 26.09.187.

Referred to Committee on Law and Justice.

**SB 5838** by Senators Hansen, Benitz and Barr

AN ACT Relating to agricultural livestock liens; amending RCW 60.56.010 and 60.56.050; and adding a new section to chapter 60.56 RCW.

Referred to Committee on Agriculture.

**SB 5839** by Senator Warnke

AN ACT Relating to advertising in department of wildlife publications; amending RCW 77.12.170 and 77.12.185; and creating a new section.

Referred to Committee on Environment and Natural Resources.

**SB 5840** by Senators Bluechel, Talmadge, McDonald, Fleming, Metcalf, Moore, Kreidler, Rinehart, DeJarnatt, Sutherland, Warnke, Murray, Nelson, Conner and Cantu

AN ACT Relating to sewer connection charges imposed by a metropolitan municipal corporation; and adding a new section to chapter 35.58 RCW.

Referred to Committee on Governmental Operations.

**SB 5841** by Senators Hansen, Barr, Bailey, Gaspard, Warnke, Bauer, Rasmussen and Benitz

AN ACT Relating to agricultural marketing; adding a new chapter to Title 15 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture.

SJM 8012 by Senators Amondson, Conner, Benitz, Rasmussen, Barr and Patterson

Excluding land from the omnibus wild and scenic rivers bill.

Referred to Committee on Environment and Natural Resources.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1024 by Representatives Appelwick, Padden, Wineberry, Locke, O'Brien, Zellinsky, Heavey, R. King, Anderson, Wolfe, Moyer, Ballard, Wang, S. Wilson, Pruitt, Sprenkle, Jesernig, Valle, Inslee, Tate, Winsley, P. King, Walker, Brough, Dellwo, Rector, Cooper, Jones, Todd, H. Myers, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, R. Fisher, Gallagher, Crane, Miller, Morris, Fraser, Schmidt, Silver, Phillips, Rasmussen, Scott, Cole, K. Wilson, Spanel and Bowman (by request of Department of Corrections)

Notifying victims and witnesses of sex offenses of escape, release, or furlough of inmates.

Referred to Committee on Law and Justice.

SHB 1044 by Committee on Judiciary (originally sponsored by Representatives Inslee, Schmidt, R. Meyers, Heavey, Baugher, Rayburn, Winsley, P. King, Wineberry, Patrick and Gallagher) (by request of Washington State Patrol)

Revising provisions for the criminal identification system.

Referred to Committee on Law and Justice.

HB 1053 by Representatives Haugen, Ferguson and Wolfe

Extending sewer district annexation to include any island.

Referred to Committee on Governmental Operations.

HB 1110 by Representatives O'Brien, McLean, Cooper, Horn, Silver, Anderson, Betrozoff, R. Fisher, Baugher, Winsley, D. Sommers, Miller, Brumsickle, Nutley, Morris and May

Changing the section relating to ballot pages and the placement of candidates' names.

Referred to Committee on Governmental Operations.

HB 1138 by Representatives Baugher, McLean, Crane, Heavey, Rayburn, Haugen, Scott, Grant, Jesernig, Sayan, Hargrove, Rasmussen, Bristow, Ballard, Moyer, Smith, Patrick, Zellinsky, S. Wilson, R. King, Pruitt, Doty, Nealey, Fuhrman, Walk, H. Myers, Rector and Sprenkle

Creating a honey bee commission.

Referred to Committee on Agriculture.

SHB 1161 by Committee on Local Government (originally sponsored by Representatives Ferguson, Cooper, May, Horn, Betrozoff, Haugen and Miller)

Preserving documents recorded with the county auditors.

Referred to Committee on Governmental Operations.

HB 1162 by Representatives Hine, G. Fisher, Horn, Ferguson and Haugen

Changing provisions relating to cities annexed by fire protection districts.

Referred to Committee on Governmental Operations.

SHB 1261 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Leonard and Sayan) (by request of Department of Labor and Industries)

Revising procedures concerning violation of the industrial welfare laws.

Referred to Committee on Economic Development and Labor.

HB 1400 by Representative R. Meyers

Clarifying the family court commissioner statute.

Referred to Committee on Law and Justice.

HJM 4001 by Representatives Schmidt, Walk, S. Wilson, Zellinsky, Van Luven, Baugher, R. Fisher, Gallagher, May, Peery, Bowman, Moyer, D. Sommers, Miller, Wolfe, Nealey and Brough

Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget.

Referred to Committee on Transportation.

HCR 4406 by Representatives Ebersole and Ballard

Arranging a memorial service for former legislators.

#### MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the resolution was adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of House Concurrent Resolution No. 4406, the President appointed Senators Craswell, Stratton, Thorsness and Williams to serve with a like committee from the House of Representatives to arrange for the joint memorial service.

#### MOTION

On motion of Senator Newhouse, the appointments were confirmed.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mr. Isaac Stern, world renown violinist, and Mr. Robert McDonald, his piano accompanist, and appointed Senators Hayner, Bluechel, Rinehart and DeJarnatt to escort the distinguished guests to the Senate Rostrum.

The President turned the gavel over to Senator Bluechel who introduced Mr. Stern and Mr. McDonald.

With permission of the Senate, business was suspended to permit Mr. Stern to address the Senate.

#### REMARKS BY ISAAC STERN

Mr. Stern: "Senator Bluechel, Lieutenant Governor Pritchard, distinguished legislators, ladies and gentlemen. I do not have the time to make an extended speech, but I will try to make a few remarks that I have to get to the point of the reason for my visit. It is not just to tell you how wonderful music is and how important it is to be an artist and all that. What I'm most interested in and what concerns me is the sense of priority that you, the governing body of this state, have concerning the arts.

"You have to go back a long way and there are some misconceptions and mythology connected with it. For example, a new dirty word--more than four letters long--has recently been invented. It's called, 'elite--elitism.' Elitism has nothing to do with your place in society, or the amount of money in the bank, or indeed political power only, but elitism where the members of the Church who in the fourteenth century began to write down the first notes that later became music or the

calligraphers who kept the Bible and later on the painters who painted on the noble themes. If the men who created the Constitution of the United States were not the elite of their time, we would not be having arguments today of what is the constitutionality of a given idea. They were the elite of their time. The elite in England gave us the Magna Carta on which our basic law is based. Thomas Jefferson was a violinist and a composer. Throughout all times, an understanding of the value of the creative mind of man, has made civilization. Eventually, it is that civilization by which a nation is remembered. That is not only our joyous hour, but is our joint responsibility.

"All of you are concerned today, for example, with what is becoming a major problem in the United States--literacy. Do you know that those who have a proper, balanced, intelligent, musical education in the primary grades find that all the other grades--comprehension, mathematics, memory retention and logic--goes right up off the graph? I won't go into details now; I can give them later on. Remember too, that you are the state who in 1889, in your own Constitution which starts off with, 'the first responsibility of the Legislature is the education of it's young.' That's your Constitution, so it is not either seemingly nor worthwhile in the long run, that when there are difficulties--fiscal problems--the first thing that is cut are quote, 'the arts'--they're not quite that necessary.

"Ladies and gentlemen, the arts are not an adornment to casual society; they are basic to the way we live. The fetus in the womb of the mother has a heart beat. There isn't a father amongst you that hasn't listened to that heart beat with a smile and a chill. The first time, when that child comes out and that little form suddenly opens up and goes, 'aaaa'--the first sound. Now you put the heart beat and the sound together and that's your first music and that's why music is basic to the way we live and exist and why all people, everywhere, have a reaction to the power of music--all kinds of music. The more you have a chance to listen to it, the greater becomes your appreciation--your need of living with music.

"An interesting point is that in our own time, when governments in Europe went through travails, be it Fascism or Nazism, or indeed in certain early times of the Soviet Union, the creative power of music went down. It is burgeoning societies--free societies--that create a new kind of life and the elite nodding society, quote 'life,' but the elite of the people who think, who lead, who have ideas, who create the basis by which society raises itself.

"You know, Japan has become a major problem for all of the United States, in one form or another. As far as an economic power is concerned, it is the center today. Friends of mine in the investment banking business, tell me that unless you have close relationship with Japanese banks, you're not in the game. The ten leading banks in the world are all Japanese. Their largest bank, by ten times, larger than the largest American bank. In Japan, in Tokyo, there are five symphony orchestras. There are eleven concert halls and they are building more. All the schools and conservatories in the United States are full of Japanese, Korean, and now Chinese students. Why? Because they know what a power it is in their own land and what a passport it is to the world--how to rejoin and take part in that which is accepted worldwide.

"In my own field, the largest American recording company, CBS Records, was bought by Sony for two billion dollars about a year ago. Now, why did an American corporation willingly sell off such an asset? Let me tell you something. Akio Morita, the founder and the chairman of the board of Sony, who happens to be a friend of mine, said to me, 'We don't think in terms of six months balances, we're looking twenty years ahead.' They bought it from CBS and they're pouring millions into reviving and rebuilding it's classical area, worldwide, because they think this is important for their view of where they belong in the world and what they want to show the world that they can be capable of and what they believe in--our record companies, our music is important to them. Shouldn't it be equally important to us or more? It all begins with education, because the way the child learns in the schools will determine the kind of audiences you have. The kind of audiences you have will determine how many people will go to your symphony orchestras, your opera houses, your ballets, the theatres and how much music you will make in the home.

"You know, home music has been an old tradition in the United States. You have the Morman areas in the Middle West--church singing. It is a popular necessity. It is not something that you have to do; they enjoy it and they make wonderful audiences. Those of you who have the responsibility of the quality of life in your state cannot argue about the uselessness or the elitism of the arts, because then you only argue against yourselves.

"If you are to live up to what the possibilities are, if you're going to invest in the future of your state, your community, your town, your own children and your grandchildren, then you owe it to yourself to look at the arts programs of this state. It should not be forty-sixth in the states of the United States, as far as the state's arts program is concerned. I'm not concerned today with figures; it's not my business to concern myself whether you're paying seven million dollars a year or seventy million. What does concern me, is the priority that you give to the quality of life. The arts will reflect the kind of land in which you live. It will be the way we present ourselves to the world--each of us in our own cities, our own states and certainly in the nation.

"I was fortunate enough to be one of the founding members of the National Endowment of the Arts. We began in 1965 with barely three million dollars. Despite many efforts of some--some called misguided--members of the National Congress, at times, that tried to cut the budget. It still remains to this day at around a hundred fifty-five million. What is important, is because the government understood the need for government approbation, not appropriation--approbation--much more important. Private giving went from somewhere around two hundred million to over seven hundred million. That's an enormous difference. It is a drop in the bucket. If we shortened a couple of submarines by two feet, we'd have the seven hundred million, but that's not the point.

"The point is the recognition of the values and the values of the cities. There is Winston Salem, North Carolina. They had a terrible rundown downtown area. They rebuilt a hall--led by a man by the name of Roger Stevens, who's just retired as the head of the Kennedy Center. Four hundred million dollars in building went into that downtown area because the City Center was re-created as a center for opera, ballet, and the symphony orchestra.

"I don't have to give you the figures on what the artists, what music organizations, and theatre organizations can do for you. You have enough lobbyists lining the walls and the telephones and sitting up here to give you all those figures and they'll do it and do it and do it. Just listen to them. It's good for you. It's good for the state. It's desperately necessary for the future. We have the greatest wealth in the world in our young people. You have no idea of how much talent there is out there. That pool of talent is what will make this country work in the decades and the centuries to come.

"The more they know, the more they realize their history, the more they realize the history of man. How many of you are more than fifth generation Americans? Do you remember how this country was formed, what the power of this country is, the amalgam of cultures that we brought in here and created, what we call the American style that came from Germany, from Italy, England, France, Russia, everywhere? Each of us somewhere remembers our heritage and we have a vestigial recognition and affection for where we came from. That was part of the culture and was the art part that they brought with them, so we have a continuing responsibility.

"I hope you will think about it as you consider the priorities of each dollar and whether it is one cent on the dollar or one-tenth of one cent or two cents or whatever the figures may eventually be. The return, not next year, maybe not even in your terms in this office, but in the terms of the people that will follow you--the young people who will become the voters--and the legislators, they'll thank you.

"Thank you very much for asking me."

Senator Bluechel returned the gavel to President Pritchard.

The President introduced the following guests who were seated on the rostrum and who accompanied Mr. Stern to Olympia: Mr. Ed Birdwell, General Manager of the Seattle Symphony, Mrs. Hans Lehmann, a personal friend of Mr. Stern and Mrs. Jeanne Bluechel, a member of the King County Arts Commission.

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

MOTION

Senator Bluechel moved that the following resolution be adopted:

SENATE RESOLUTION 1989-8625

by Senators Bluechel, Rasmussen and Gaspard

WHEREAS, Creativity among Washington's citizens is an important element of a healthy, productive state; and

WHEREAS, Our communities are enriched by arts and artists; and

WHEREAS, The arts promote critical thinking skills and promote mental discipline essential to an educated citizenry; and

WHEREAS, The arts are essential to encourage creative thought among students young and old; and

WHEREAS, The arts have a positive impact on the state's economy and are an important factor in attracting new business to Washington; and

WHEREAS, Fine art, music, dance and theatre are an important bridge to other nations and cultures; and

WHEREAS, Last year, the State Arts Commission helped fund 14,104 events attended by more than seven million people in Washington; and

WHEREAS, In this centennial year, it is important to acknowledge the importance of art in defining our cultural heritage;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington expresses its deep appreciation for fine arts, dance, music and theatre, and its gratitude for their invaluable contribution to the past and future of our state.

MOTION

On motion of Senator Rasmussen, the following amendment was adopted:

On line 3, after "artists" insert ", and the appearance of Isaac Stern before the Washington State Senate, February 9, 1989"

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8625, as amended.

The motion by Senator Bluechel carried and Senate Resolution 1989-8625, as amended, was adopted.

MOTION

On motion of Senator Vognild, the remarks by Mr. Stern will be spread upon the Journal.

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

MOTION

At 12:12 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 10, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## THIRTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 10, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Dawn Cunningham and Tim Dorian, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 9, 1989

SB 5066 Prime Sponsor, Senator Pullen: Modifying self-defense requirements. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5226 Prime Sponsor, Senator Saling: Creating a graduate teacher fellowship pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5324 Prime Sponsor, Senator Metcalf: Continuing interagency committee for outdoor recreation. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5324 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5384 Prime Sponsor, Senator Patterson: Exempting state ferry fuel from sales and use tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Referred to Committee on Ways and Means.

February 9, 1989

SB 5393 Prime Sponsor, Senator Johnson: Revising provisions for educational assistance for nurses. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1989

SB 5508 Prime Sponsor, Senator Lee: Changing provisions relating to the comprehensive guide to public parks and recreation sites prepared by the interagency committee. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5705 Prime Sponsor, Senator Benitz: Requiring the energy facility site evaluation council to consider the extent of carbon dioxide emissions by thermal plant facilities seeking certification. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5842 by Senators Lee, Murray, Cantu, Niemi and Craswell

AN ACT Relating to boarding homes; and amending RCW 18.20.020.

Referred to Committee on Economic Development and Labor.

SB 5843 by Senators McCaslin, Johnson, Gaspard, Smitherman, Warnke and Wojahn

AN ACT Relating to metropolitan park districts; amending RCW 35.61.100, 35.61.110, and 35.61.132; and adding new sections to chapter 35.61 RCW.

Referred to Committee on Governmental Operations.

SB 5844 by Senators Talmadge, Williams, Niemi, Vogmild, Warnke and Murray

AN ACT Relating to adding semiautomatic weapons to the definition of machine gun; and amending RCW 9.41.200.

Referred to Committee on Law and Justice.

SB 5845 by Senators Bailey, Metcalf, DeJarnatt, Owen, Thorsness, Smitherman, Bauer and McMullen

AN ACT Relating to steelhead trout production; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5846 by Senator Metcalf



AN ACT Relating to liability for damage from surface water runoff; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5847 by Senators Barr, McCaslin, West, Newhouse, Lee and Owen

AN ACT Relating to the business and occupation taxation of refuse collection; amending RCW 82.04.4291; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5848 by Senators McCaslin, Matson, Owen, Nelson, Newhouse and Thorsness

AN ACT Relating to the disclosure of tax consequences in personal injury actions; and adding a new section to chapter 5.40 RCW.

Referred to Committee on Law and Justice.

SB 5849 by Senators Newhouse, Kreidler and West

AN ACT Relating to transportation of persons carried on stretchers; and amending RCW 18.73.180.

Referred to Committee on Health Care and Corrections.

SB 5850 by Senators Johnson, Smitherman, von Reichbauer, Owen, Moore, Sellar, McCaslin, Madsen, Metcalf, Bailey, Thorsness and West

AN ACT Relating to funeral establishments; amending RCW 18.39.010, 18.39.240, 18.39.250, 18.39.260, 18.39.280, 18.39.300, 18.39.320, 18.39.330, 18.39.350, and 18.39.360; adding new sections to chapter 18.39 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5851 by Senators Smith, DeJarnatt and Bailey

AN ACT Relating to school buildings; adding a chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 5852 by Senator Smith

AN ACT Relating to the study of history and government in high school; and amending RCW 28A.05.050.

Referred to Committee on Education.

SB 5853 by Senators Pullen, Talmadge, McCaslin, Rasmussen, Thorsness, Hayner, Nelson and Cantu

AN ACT Relating to penalties for discharging a machine gun or threatening or menacing with a machine gun, when such discharging, threatening, or menacing is in the commission or furtherance of a felony other than a violation of RCW 9.41.190; amending RCW 9.41.200; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5854 by Senators Hayner, Newhouse, Barr, Wojahn, Vognild, Bailey, Metcalf, Bender, Conner, Nelson, Gaspard, Madsen and Johnson

AN ACT Relating to medical care under the limited casualty program; and amending RCW 74.09.700.

Referred to Committee on Health Care and Corrections.

SB 5855 by Senators Anderson, Metcalf, Owen, Rasmussen and Newhouse

AN ACT Relating to the state environmental policy act; amending RCW 43.21C.075, 43.21C.010, and 43.21C.020; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5856 by Senators Amondson, McCaslin, Hansen, West, Sutherland, Bender, Owen, Barr and Moore

AN ACT Relating to the conservation and management of the state's wetland resources; adding a new chapter to Title 90 RCW; and making appropriations.

Referred to Committee on Agriculture.

SB 5857 by Senators Bailey, DeJarnatt, McCaslin, Bender, Matson, Bauer and Lee

AN ACT Relating to proceeds of bonds issued for facilities for persons with sensory, physical, or mental handicaps; and amending RCW 43.99C.045.

Referred to Committee on Health Care and Corrections.

SB 5858 by Senators McCaslin, Murray and Bailey

AN ACT Relating to education; amending RCW 28A.59.100; and declaring an emergency.

Referred to Committee on Education.

SB 5859 by Senators Gaspard, Lee, Murray and Bailey

AN ACT Relating to the Washington school directors' association; amending RCW 28A.61.030; and repealing RCW 28A.61.900.

Referred to Committee on Education.

SB 5860 by Senators Barr and Hansen

AN ACT Relating to the creation of apiary restricted areas; adding new sections to chapter 15.60 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SJR 8217 by Senators Moore and McCaslin

Adopting current use valuation for commercial property abutting urban inland waterways.

Referred to Committee on Ways and Means.

SCR 8406 by Senators Lee and Kreidler

Establishing an Evergreen public services building planning committee by concurrent resolution.

Referred to Committee on Higher Education.

#### MOTION

At 10:07 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Pritchard.

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

#### SECOND READING

SENATE BILL NO. 5042, by Senators West, Smitherman, Warnke, Smith and Lee

Providing for unilateral implementation of certain public sector collective bargaining agreements.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "Senator West, can you tell me what the phrase 'according to law' on line 11 of the bill means?"

Senator West: "Yes, Senator Smitherman. 'According to law' means in the bill that if an employer unilaterally implements all or part of its proposal, that

employer must follow the principles and case law established under the National Labor Relations Act, as reflected and implemented in RCW 41.56, the Public Employees' Collective Bargaining Act."

Senator Smitherman: "What principles are those, Senator West?"

Senator West: "Senator Smitherman, those principles are that the employer must have bargained in good faith during the negotiations and the parties must be at impasse at the time of the unilateral implementation on the proposal or proposals which will be unilaterally implemented."

Senator Smitherman: "Thank you, Senator West."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5042.

#### ROLL CALL

The Secretary call the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Matson, Smith - 3.

SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5106, by Senators Smitherman, Lee, Warnke, Williams and McMullen

Developing a model shared foreign sales corporation.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5106.

#### ROLL CALL

The Secretary call the roll on the final passage of Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Conner - 1.

Excused: Senators Fleming, Matson, Smith - 3.

SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Owen, Senator Conner was excused.

## SECOND READING

SENATE JOINT RESOLUTION NO. 8201, by Senators Anderson, Vognild, Cantu, Conner and Johnson

Amending the Constitution to allow leases of up to fifty-five years for wharves, docks, and other structures within harbors.

The joint resolution was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Resolution No. 8201 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, you have more knowledge of this than I do. My question, is it your understanding that the present limit is thirty years and if they want they can extend it to fifty years and that the Natural Resources Department reviews the leases every five years and adjusts?"

Senator Metcalf: "Repeat your last comment Slim; I didn't quite pick it up."

Senator Rasmussen: "We used to grant leases for--the federal government did for a long term without any change in the lease rate. At the present time, the leases are granted, but they adjust the rates for inflation as they go along."

Senator Metcalf: "I can't answer for certain on that. I believe the fees are established and cannot be adjusted, but I'm not certain on that. If you have a major question on that, we could hold the bill until we get that answer."

Senator Rasmussen: "Well, I don't have any objection to the bill. I was asking what your understanding was, if we had any clear understanding that they would adjust rates as they go along. Fifty years is a long term lease."

Senator Metcalf: "Yes, it is. Senator Johnson has given me some information. He said that within the lease there may be written the opportunity to adjust, but again, I cannot answer that question of my own knowledge."

Senator Rasmussen: "Senator Metcalf and Senator Johnson, the Department of Natural Resources recently bought the Price Savers location in Fife. They had a thirty-year lease with two five-year extensions. They optioned for two five-year extensions at five and a quarter million dollars and a return of four hundred nineteen thousand a year on the lease. The Kroeger Company is the company that backs Price Savers. That is what I was curious about. What kind of adjustments do they make? The other thing that I'm curious about is, does the purchase of a building, like in the City of Fife, remove it from the tax rolls? Does the City of Fife still get the same amount of taxes? Maybe, you could check that out before the bill passes the House."

Senator Metcalf: "I'd be very happy to get the answers to those questions and hold the bill until we can get them."

Senator Rasmussen: "I wouldn't hold it here. Let it roll through here and let the House take care of it."

Senator Metcalf: "We'll get the answers there."

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8201.

## ROLL CALL

The Secretary call the roll on the final passage of Senate Joint Resolution No. 8201 and the joint resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Fleming, Matson, Smith - 4.

SENATE JOINT RESOLUTION NO. 8201, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5089, by Senators Newhouse, Talmadge and Pullen

Changing provisions relating to transferring cases between superior courts.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5089 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5089.

## ROLL CALL

The Secretary call the roll on the final passage of Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Fleming, Matson, Smith - 4.

SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5037, by Senators von Reichbauer, Moore, Johnson, Stratton, Smitherman and West

Changing the composition of the board of directors of incorporated domestic insurers.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5037 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5037.

## ROLL CALL

The Secretary call the roll on the final passage of Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Madsen - 1.

Excused: Senators Conner, Fleming, Matson, Smith - 4.

SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5246, by Senators Pullen, Newhouse and Madsen

Foreclosing on deeds of trust.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5246 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5246.

## ROLL CALL

The Secretary call the roll on the final passage of Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Fleming, Matson, Smith - 4.

SENATE BILL NO. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5336, by Senators Pullen, Sutherland, Newhouse, McCaslin, Talmadge, Thorsness, Nelson, Rasmussen, Benitz, Johnson, Lee, Vognild, Sellar, Metcalf, Bauer, Smith and West (by request of Governor Gardner and Attorney General)

Providing civil immunity for persons making reports to government officials.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5336 was substituted for Senate Bill No. 5336 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5336 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McCaslin: "Senator Pullen, I assume that this is not retroactive and in no way could this help the Hill's problem?"

Senator Pullen: "The bill is not retroactive."

Senator McCaslin: "Under present state statutes, is there any way the Attorney General or the Department of Revenue could have lent any assistance to the Hills?"

Senator Pullen: "That's a question which has been asked and both the department and Attorney General indicate that they would not have been able to help."

Senator McCaslin: "Thank you, Senator."

## POINT OF INQUIRY

Senator Johnson: "Senator Pullen, who will administer this program?"

Senator Pullen: "There's really no administration of the program as such."

Senator Johnson: "The present Whistle Blower Program is administered by the Auditor's Office."

Senator Pullen: "Are you talking with respect to state employees?"

Senator Johnson: "Yes."

Senator Pullen: "Right, this particular program doesn't have administration involved in the usual sense."

Senator Johnson: "I guess the question is, who would investigate, who would handle an employee who has a complaint? Where would it go? I had a bad experience with the present Whistle Blower legislation and I didn't like the way it was administered."

Senator Pullen: "The current law relates to state employees making complaints and that really wasn't the subject of this particular bill."

Senator Johnson: "OK, thank you sir."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5336.

#### ROLL CALL

The Secretary call the roll on the final passage of Substitute Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Fleming, Matson, Smith - 4.

SUBSTITUTE SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Nelson, Senator Johnson was excused.

#### SECOND READING

SENATE BILL NO. 5136, by Senators Owen, Metcalf, Amondson, Moore and Smith

Creating a fish identification card to allow greater accuracy in punchcard use.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, it sounds like a very good idea. What do you anticipate the cost of the card will be?"

Senator Owen: "Well, I don't really have an idea, but I suspect it would probably be around a dollar or so."

Senator Rasmussen: "Next question, why not give it to the fishermen free? They buy a license and it runs up into the hundreds of dollars."

Senator Owen: "Well, this is just the way I came up with it. I thought the sportsmen would be willing to participate in and—"

Senator Rasmussen: "That's flying high. What do you call that spotted owl? The third question, there is a lot of concern that this will show the kind of fish—identify them. Wilkerson, when he was head of the Fisheries Department, didn't know that they weren't allowed to keep short fish or long fish. Will this identify the length of the fish that you are allowed to keep?"

Senator Owen: "No, they still have to refer to the regulations for that."

Senator Rasmussen: "That doesn't answer the question. My Aunt Mary goes out there fishing and she doesn't know what the current regulations are, but she sees a picture of a fish and says, 'I can keep that.'"

Senator Owen: "Well, no. She has to know the regulations. The problem is when a person gets a Blackmouth and Blackmouth season is closed, but Coho season is open. She should be able to tell whether she's caught a Chinook or a Coho. We're trying to help her out in that way, but I can't put every regulation on a card."

Senator Rasmussen: "Last question, Senator Owen, you're doing very well."

Senator Owen: "Thank you."

Senator Rasmussen: "Will this identify—my understanding is that you can line fifteen fish up and take fifteen biologists and line them up and say, 'Is this a tame fish or a wild fish?' Will you identify on the card whether it's a tame fish or a wild fish that you're allowed to keep?"

Senator Owen: "I would suspect that. The only area that I know that's a concern is steelhead, and they clip off the adipose fin and I would suspect that the department would note that on the card."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5136.

#### ROLL CALL

The Secretary call the roll on the final passage of Senate Bill No. 5136 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Conner, Fleming, Johnson, Matson, Smith - 5.

SENATE BILL NO. 5136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5807.

On motion of Senator Newhouse, Senate Bill No. 5807 was referred to the Committee on Law and Justice.

#### MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 13, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## THIRTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 13, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Conner, Fleming, Madsen, Moore, Owen, Pullen and Smith. On motion of Senator Bender, Senators Conner and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Joanna West and Daniel Scott, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 9, 1989

SB 5041 Prime Sponsor, Senator Hayner: Permitting department of corrections to monitor inmate telephone calls. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5041 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5173 Prime Sponsor, Senator McCaslin: Relating to disclosure of improper governmental action. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5174 Prime Sponsor, Senator Benitz: Furthering the state hydropower plan. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 5174 be referred to Committee on Ways and Means. Signed by Joel Pritchard, Chairman; Senators Bluechel, Vice Chairman; Anderson, Bauer, Cantu, Conner, Craswell, Hayner, Nelson, Newhouse, Rasmussen, Rinehart, Sellar, Vognlid, Warnke, Wojahn.

Referred to Committee on Ways and Means.

February 9, 1989

SB 5204 Prime Sponsor, Senator Anderson: Permitting the establishment of business and industrial development corporations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Referred to Committee on Ways and Means.

February 9, 1989

SB 5241 Prime Sponsor, Senator Anderson: Promoting small business growth. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5241 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Referred to Committee on Ways and Means.

February 9, 1989

SB 5313 Prime Sponsor, Senator Bailey: Revising provisions for reporting of child abuse by professional school personnel. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Metcalf, Rinehart.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5314 Prime Sponsor, Senator Bailey: Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5318 Prime Sponsor, Senator Murray: Requiring an annual meeting for education officials. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5339 Prime Sponsor, Senator Lee: Creating the Washington economic development finance authority. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5339 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Referred to Committee on Ways and Means.

February 9, 1989

SB 5375 Prime Sponsor, Senator Pullen: Establishing a DNA identification system. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 9, 1989

SB 5407 Prime Sponsor, Senator Metcalf: Encouraging recreational uses of watershed lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5464 Prime Sponsor, Senator von Reichbauer: Changing provisions relating to boxing and wrestling. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5541 Prime Sponsor, Senator Murray: Requiring the superintendent of public instruction to give an annual state of education address. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5552 Prime Sponsor, Senator Patterson: Repealing filing requirements for interstate tariffs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5555 Prime Sponsor, Senator Patterson: Modifying railroad crossing inspection fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Hansen, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5631 Prime Sponsor, Senator West: Creating an interstate trade compact. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5647 Prime Sponsor, Senator Lee: Enabling the use of federal loan guarantees. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, West, Williams.

Passed to Committee on Rules for second reading.

February 9, 1989

SJM 8010 Prime Sponsor, Senator West: Requesting Idaho and Oregon to enter into the joint trade compact. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

February 10, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1163.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 10, 1989

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8405 with the following amendments:

On page 5, line 8, rule 6, after "signatures of" strike all material down to and including "house" on line 12 and insert "a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house for senate bills or the secretary of the senate for house bills."

On page 5, line 30, rule 8, after "signatures of" strike all material down to and including "house" on page 6, line 1 and insert "a majority of the members of the committee appointed from each house."

On page 6, line 10, rule 9, after "signatures" strike all material down to and including "house" on line 14 and insert "of a majority of the members of the committee appointed from each house. Free conference committee reports must be signed at a meeting duly convened by the chief clerk of the house for senate bills or the secretary of the senate for house bills."

On page 8, line 17, rule 17, after "thereof" strike "or to the heads of" and insert "~~(or to the heads of)~~ to"

On page 8, line 18, rule 17, after "government" insert "to any other branch of state government, or to any unit of local government"

On page 8, line 21, rule 17, after "rules," insert "creating or empowering joint committees, opening and"

On page 8, line 29, rule 17, after "money," insert "or relating to any joint committee"

On page 17, following line 5, insert a new rule to read as follows:

"RULE 38. The legislature may convene a special legislative session as follows:

(1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed 30 days, together with the purpose or purposes for which such session is called. Members of the house or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.

(2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.

(3) Upon a majority vote of both the committee on rules of the house and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house and senate shall be taken on such resolution.

(4) The chief clerk of the house and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house and senate at the convening of the next legislative session.

(5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12)\*.

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5861 by Senator Talmadge

AN ACT Relating to farm land protection; amending RCW 7.48.310; adding a new chapter to Title 89 RCW; and making appropriations.

Referred to Committee on Agriculture.

SB 5862 by Senator Talmadge

AN ACT Relating to farmlands; amending RCW 36.70.760 and 82.46.030; adding a new chapter to Title 15 RCW; and making an appropriation.

Referred to Committee on Agriculture.

SB 5863 by Senators Talmadge and Moore

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.040 and 36.56.040; adding new sections to chapter 35.58 RCW; creating a new section; repealing RCW 35.58.118, 35.58.120, 35.58.130, 35.58.140, 35.58.150, and 35.58.160; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5864 by Senators Pullen, Talmadge, Newhouse, McCaslin and Madsen

AN ACT Relating to judgments; amending RCW 4.56.090, 4.56.100, and 4.56.200; adding a new section to chapter 4.56 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5865 by Senators DeJarnatt, Owen, West, Bauer and Sutherland

AN ACT Relating to exempting county hospitals from the sales and use tax; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5866 by Senators Rasmussen, Pullen and Talmadge

AN ACT Relating to revenue and taxation; amending RCW 84.56.020; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Governmental Operations.

SB 5867 by Senators Talmadge, Kreidler, Owen and Conner

AN ACT Relating to natural resource damage restoration of damage to natural resources; adding a new chapter to Title 90 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5868 by Senator Kreidler

AN ACT Relating to hunting licenses for special big game hunts; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5869 by Senator Lee

AN ACT Relating to unemployment compensation for 26 U.S.C. Sec. 501(c)(10) organizations; and amending RCW 50.44.010.

Referred to Committee on Economic Development and Labor.

SB 5870 by Senators Anderson, Warnke and Lee

AN ACT Relating to the industrial insurance labor-management cooperation program; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Economic Development and Labor.

SB 5871 by Senators Lee and Benitz

AN ACT Relating to wine retailer's licenses; and amending RCW 66.24.550.

Referred to Committee on Economic Development and Labor.

SB 5872 by Senators Anderson, Smitherman, Lee, Murray, West, McMullen, Benitz, Saling, Barr and Patterson

AN ACT Relating to rural revitalization; amending section 14, chapter 42, Laws of 1988 (uncodified); adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.31 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5873 by Senators Craswell, Smitherman, McDonald, Patterson, McCaslin, Nelson, McMullen, von Reichbauer, Madsen, Murray, Metcalf, Thorsness and Gaspard

AN ACT Relating to the excise taxation of motor vehicles, travel trailers, campers, and other vehicles; amending RCW 82.44.010, 82.44.020, 82.44.060, 82.44.110, 82.44.120, 82.44.150, 82.44.160, 82.44.170, 82.14.200, 82.14.210, 35.58.273, 35.58.275, 35.58.277, 43.62.010, 82.50.400, 82.50.410, and 46.12.360; reenacting and amending RCW 82.02.030; adding new sections to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; creating new sections; and repealing RCW 82.44.013, 82.44.040, 82.44.045, 82.44.050, 82.50.420, and 82.50.430.

Referred to Committee on Transportation.

SB 5874 by Senators Wojahn, von Reichbauer, Johnson, Madsen, Rasmussen, Gaspard, Smitherman, McCaslin, DeJarnatt, Owen, Thorsness and Sutherland

AN ACT Relating to maritime commemorative observance; amending RCW 27.60-.900; adding a new section to chapter 27.34 RCW; creating a new section; repealing RCW 27.60.045; and declaring an emergency.

Referred to Committee on Governmental Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1163 by Representatives Haugen and Ferguson

Modifying the time period applying to filing of claims against noncharter cities and towns.

Referred to Committee on Governmental Operations.

SHJR 4204 by Committee on Local Government (originally sponsored by Representatives Raiter, Wolfe, Haugen, Ferguson, Rayburn, Horn, Wood, Cooper, Todd, Doty, Nelson, Phillips and Brough) (by request of Governor Gardner)

Allowing the review and modification of local government.

Referred to Committee on Governmental Operations.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9021, Marian May Gerstle, as a member of the State Board for Community College Education, was confirmed.

##### APPOINTMENT OF MARIAN MAY GERSTLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 6; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Barr, Madsen, Moore, Owen, Pullen, Smith - 6.

Excused: Senators Conner, Fleming - 2.

#### MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9008, Dennis E. Chilberg, as a member of the Housing Finance Commission, was confirmed.

#### APPOINTMENT OF DENNIS E. CHILBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Pullen - 1.

Excused: Senators Conner, Fleming - 2.

#### MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9018, Mary Faulk, as Director of the Department of Licensing, was confirmed.

#### APPOINTMENT OF MARY FAULK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Fleming - 2.

#### SECOND READING

SENATE BILL NO. 5172, by Senators Benitz, Williams and Nelson (by request of Washington State Energy Office)

Extending utility lending of credit to equipment.

The bill was read the second time.

#### MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5172.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Fleming - 2.

SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5142, by Senators McCaslin, Thorsness, DeJarnatt and Rasmussen (by request of State Auditor)

Changing the year end fiscal report requirement.

## MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5142 was substituted for Senate Bill No. 5142 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5142.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5368, by Senators Nelson and Bender (by request of Legislative Transportation Committee)

Changing the criteria for determining priority for urban arterial improvement projects.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5368 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5368.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Barr, Sellar - 2.

Excused: Senators Conner, Fleming - 2.

SENATE BILL NO. 5368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5085, by Senators von Reichbauer, Moore, Smitherman, Rasmussen and Johnson

Regulating financial planners.



## MOTIONS

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5085.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator Hayner - 1.

Excused: Senators Conner, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5119, by Senators Pullen, Talmadge, Madsen and Rasmussen (by request of Washington State Patrol)

Providing a procedure for unclaimed property in the hands of the Washington state patrol.

The bill was read the second time.

## MOTION

Senator Barr moved that the following amendment be adopted:

On page 5, line 32, after "sale" strike all material through "RCW 77.32.155" on line 34 and insert "~~((and shall forward the remainder to the state department of wildlife for use in its fire-arms training program pursuant to RCW 77.32.155))~~. The seizing agency shall retain the remainder of the proceeds to be used for law enforcement purposes."

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5119 was deferred.

## MOTION

At 10:48 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pritchard.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9023, Julie A. Grant, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

## APPOINTMENT OF JULIE A. GRANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Fleming - 2.

There being no objection, the Senate resumed consideration of Senate Bill No. 5119 and the pending amendment by Senator Barr on page 5, line 32, deferred earlier today.

Debate on the amendment ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Barr on page 5, line 32, to Senate Bill No. 5119.

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

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 5119 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5119.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Bauer - 1.

Excused: Senator Conner - 1.

ENGROSSED SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5144, by Senators Pullen and DeJarnatt

Preserving documents recorded with the county auditors.

#### MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5144 was substituted for Senate Bill No. 5144 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5144 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, I want to draw on your extensive knowledge. On this filing of documents, there'll be an extra two dollar charge up until 1994? Could you tell us, is this all documents like liens, license applications and things like that or is it purely historical documents to be determined?"

Senator McCaslin: "Insofar as my knowledge is concerned, every document that you record at the county level, will have a two dollar extra charge on it, Senator."

Senator Rasmussen: "And every one that goes in to file a lien--every one that goes in to file any type of paper, there'll be an extra two dollar charge?"

Senator McCaslin: "Any time you record, Senator, you'll be charged an extra two dollars."

Senator Rasmussen: "Does that include license applications?"

Senator McCaslin: "If that's recorded, you'll be charged two dollars."

Senator Rasmussen: "I just wanted to find out for sure if this was not called a tax, it's called a what--historical--"

Senator McCaslin: "It's what we call, east of the mountains, a user fee, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5144.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Rasmussen - 1.

Excused: Senator Conner - 1.

SUBSTITUTE SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8609

by Senators Kreidler, West and Wojahn

WHEREAS, Coronary heart disease is the nation's leading cause of preventable deaths; and

WHEREAS, More than one million two hundred fifty thousand heart attacks occur each year in the United States and more than five hundred thousand people die as a result; and

WHEREAS, illness and deaths from coronary heart disease cost Americans an estimated forty-nine billion dollars each year in direct health care expenditures and lost productivity; and

WHEREAS, The surgeon general of the United States has determined that extensive and conclusive scientific research indicates diets high in saturated fats and total fats place one at risk for heart disease; and

WHEREAS, Saturated fat consumption is the major dietary contributor to blood cholesterol levels and reductions in cholesterol levels reduce the risk of death from coronary heart disease; and

WHEREAS, Chronic heart attacks can be reduced or eliminated through a proper diet, low in saturated fats, regular and sustained exercise, regular cholesterol screenings and, when appropriate, cholesterol-lowering medications;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington declares the week of February 12 through February 19 as Cholesterol Awareness Week in Washington to encourage the development and maintenance of cholesterol awareness programs in local communities throughout the state.

#### MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 14, 1989.

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

### THIRTY-SEVENTH DAY

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#### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 14, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Cassy Brader and Jeremy Plouts, presented the Colors. President Pritchard offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 9, 1989

SB 5013 Prime Sponsor, Senator Owen: Relating to second class school districts changing back to having directors run at-large. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5088 Prime Sponsor, Senator Benitz: Regulating telemarketing. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5184 Prime Sponsor, Senator Smitherman: Regulating limousine operators. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 7, 1989

SB 5196 Prime Sponsor, Senator Barr: Regarding emergency drought relief. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5306 Prime Sponsor, Senator Metcalf: Pertaining to the sale of salmon and salmon parts. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5306 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; DeJarnatt, Kreidler, Owen, Sutherland.

Referred to Committee on Ways and Means.

February 8, 1989

SB 5445 Prime Sponsor, Senator Barr: Creating the transportation capital facilities account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Bender, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5553 Prime Sponsor, Senator Patterson: Deregulating excursion buses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5558 Prime Sponsor, Senator Smith: Regulating sale of mobile homes and parks. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 10, 1989

SB 5641 Prime Sponsor, Senator von Reichbauer: Setting service charge limits on vessel retail installment contracts. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5641 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5833 Prime Sponsor, Senator Pullen: Amending the disposition and sentencing standards for juvenile offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5853 Prime Sponsor, Senator Pullen: Penalizing use of a machine gun in a felony. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 13, 1989

SHB 1599 Prime Sponsor, Committee on Appropriations: Making appropriations for persons suffering from alcoholism or drug addiction. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Talmadge, Williams.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 13, 1989

GA 9027 WILLIAM KEITH HERREL, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Grays Harbor Community College District No. 2. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 13, 1989

GA 9048 W. KELLEY MOLDSTAD, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Skagit Valley Community College District No. 4. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 7, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

G. S. Robinson, appointed February 7, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

February 8, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas H. Nixon, appointed February 8, 1989, for a term ending September 30, 1992, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

#### MESSAGES FROM THE HOUSE

February 13, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1080,

HOUSE BILL NO. 1205,

HOUSE BILL NO. 1290, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 13, 1989

Mr. President:

The House has passed INITIATIVE TO THE LEGISLATURE NO. 99 by a vote of 89 yeas and 6 nays and has transmitted the enrolled document to the Secretary of State.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5875 by Senator Smith

AN ACT Relating to mobile home park tenancies; amending RCW 59.20.060; and adding new sections to chapter 59.20 RCW.

Referred to Committee on Economic Development and Labor.

SB 5876 by Senators Pullen, Warnke and Vognild

AN ACT Relating to public employment, civil service, and pensions; adding new sections to chapter 41.12 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5877 by Senators Patterson and Conner

AN ACT Relating to overloaded vehicles; amending RCW 46.44.105; and repealing RCW 46.44.100.

Referred to Committee on Transportation.

SB 5878 by Senators Patterson and Conner

AN ACT Relating to identification of trucks; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 5879 by Senators McDonald, Niemi, West and Stratton

AN ACT Relating to medical assistance expenditures; amending RCW 74.09.055 and 74.09.700; adding a new section to chapter 74.09 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5880 by Senators Barr, McCaslin, Hansen, Saling, Patterson and Owen

AN ACT Relating to cemetery districts; amending RCW 68.52.280; and adding new sections to chapter 68.52 RCW.

Referred to Committee on Governmental Operations.

SB 5881 by Senators Anderson and Barr

AN ACT Relating to private detective agencies, their principals, and private detective operatives; adding a new chapter to Title 19 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

**SB 5882** by Senator Nelson

AN ACT Relating to reckless, negligent, and inattentive driving; amending RCW 46.61.500 and 46.61.525; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

**SB 5883** by Senators West, McCaslin and Stratton

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Economic Development and Labor.

**SB 5884** by Senator Rinehart

AN ACT Relating to an appropriation for child care; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5885** by Senators Rinehart and Gaspard

AN ACT Relating to school-community facilities; amending RCW 28A.47.105, 28B.50.530, and 28B.50.740; adding new sections to chapter 28A.47 RCW; adding a new section to chapter 28A.58 RCW; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

**SB 5886** by Senator West

AN ACT Relating to the exchange among health care providers of confidential medical information regarding sexually transmitted diseases and permitting the exchange of such information among persons responsible for making case management, case planning, or foster care decisions regarding a child fourteen years old or younger; and amending RCW 70.24.105.

Referred to Committee on Health Care and Corrections.

**SB 5887** by Senators DeJarnatt and Smith

AN ACT Relating to allowing boards of county commissioners to appoint representatives to air pollution control authorities; and amending RCW 70.94.100.

Referred to Committee on Environment and Natural Resources.

**SB 5888** by Senators Smith and DeJarnatt

AN ACT Relating to Mt. St. Helens recovery operations; and amending RCW 43.21A.500, 43.21C.500, 75.20.300, 79.90.160, 89.16.500, and 90.58.500.

Referred to Committee on Environment and Natural Resources.

**SB 5889** by Senators Barr, Talmadge, Benitz, Madsen and Hansen

AN ACT Relating to conservation of water; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 87.03 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Agriculture.

**SB 5890** by Senators Conner, Bauer and Rasmussen

AN ACT Relating to property taxes imposed for veterans' assistance purposes; and amending RCW 73.08.080.

Referred to Committee on Ways and Means.

**SB 5891** by Senators Barr, Williams, Benitz, Lee, Madsen and Bauer

AN ACT Relating to water resource policy; amending RCW 90.54.024, 90.54.030, 90.54.040, 90.54.050, and 90.22.010; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture.



SB 5892 by Senators Sutherland, Murray, DeJarnatt, Amondson, Bauer and Smith

AN ACT Relating to tax exemptions for nonprofit organizations and associations engaged in character building of boys and girls under eighteen years of age; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5893 by Senator Barr

AN ACT Relating to pesticides; amending RCW 15.58.030, 15.58.040, 15.58.050, 15.58.060, 15.58.065, 15.58.070, 15.58.080, 15.58.110, 15.58.120, 15.58.130, 15.58.150, 15.58.160, 15.58.170, 15.58.180, 15.58.200, 15.58.210, 15.58.220, 15.58.230, 15.58.240, 15.58.250, 15.58.260, 15.58.280, 15.58.290, 15.58.330, 15.58.335, 15.58.340, 15.58.910, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.070, 17.21.080, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.130, 17.21.140, 17.21.150, 17.21.160, 17.21.180, 17.21.190, 17.21.200, 17.21.220, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 17.21.280, 17.21.290, 17.21.315, 17.21.320, and 17.21.910; adding new sections to chapter 15.58 RCW; adding new sections to chapter 17.21 RCW; adding new sections to chapter 70.104 RCW; and repealing RCW 15.58.190, 15.58.930, 17.21.090, 17.21.100, 17.21.120, 17.21.124, and 17.21.205.

Referred to Committee on Agriculture.

SB 5894 by Senators Owen, Lee, Warnke, Stratton, von Reichbauer and Rasmussen

AN ACT Relating to the major crimes investigation and assistance unit; adding new sections to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5895 by Senators Barr, Hansen, Benitz, Patterson and Bauer

AN ACT Relating to vehicle trip permits for farm vehicles licensed on a monthly basis; and amending RCW 46.16.160.

Referred to Committee on Transportation.

SB 5896 by Senators Rinehart, Moore, Newhouse and Benitz

AN ACT Relating to reciprocal sales between domestic wineries and brewers; and amending RCW 66.24.170 and 66.24.240.

Referred to Committee on Economic Development and Labor.

SB 5897 by Senators West, Kreidler and McDonald

AN ACT Relating to alcohol and drug treatment; amending RCW 70.96A.120 and 70.96A.080; reenacting and amending RCW 74.04.005; adding new sections to chapter 69.54 RCW; adding a new section to chapter 70.96A RCW; and repealing RCW 74.50.010, 74.50.020, 74.50.030, 74.50.040, 74.50.050, 74.50.060, 74.50.070, and 74.50.900.

Referred to Committee on Health Care and Corrections.

SB 5898 by Senators Metcalf, Rasmussen, Patterson, Owen, von Reichbauer, Smitherman, Johnson, Madsen, Wojahn, Kreidler and Warnke

AN ACT Relating to recycling; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SJR 8218 by Senators McDonald, Bluechel, Stratton, Rasmussen, Craswell, Owen, Anderson, Conner, West and Sutherland

Amending the Constitution to require a two-thirds vote of the legislature in order to create or increase any state tax.

Referred to Committee on Ways and Means.

SJR 8219 by Senators McDonald, Smitherman, Bluechel, Stratton, Craswell, Owen, Rasmussen, Hansen, Anderson, Conner, Sutherland, McMullen, Nelson and West

Amending the Constitution to create an emergency reserve fund.

Referred to Committee on Ways and Means.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1080 by Representatives Kremen, Braddock, May, Spanel and Zellinsky

Broadening vessel registration exemptions.

Referred to Committee on Transportation.

HB 1205 by Representatives Sayan, O'Brien, Heavey, Day, Ferguson, Ballard, Zellinsky, Jones, Basich, Prentice, Leonard, Rayburn, Rasmussen, Dorn, R. King, R. Meyers, Hargrove, Rector, Anderson, P. King and Kremen

Recording of honorable discharges.

Referred to Committee on Governmental Operations.

HB 1290 by Representatives K. Wilson and Beck

Establishing a new geographic coordinate system for Washington.

Referred to Committee on Environment and Natural Resources.

## MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 5824.

On motion of Senator Newhouse, Senate Bill No. 5824 was referred to the Committee on Financial Institutions and Insurance.

## MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 15, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## THIRTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 15, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Lee, Patterson, Smith, Stratton, Sutherland and Williams. On motion of Senator Bender, Senator Fleming was excused.

The Sergeant at Arms Color Guard, consisting of Pages Rachel Isquith and Luis Glass, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 19, 1989

SB 5113 Prime Sponsor, Senator Pullen: Limiting delays in trial dates for crimes involving child abuse. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5147 Prime Sponsor, Senator von Reichbauer: Revising definition of credit services organization. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5147 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5213 Prime Sponsor, Senator Pullen: Extending the statute of limitations on written charge accounts. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Thorsness.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5220 Prime Sponsor, Senator Saling: Establishing the community college exceptional faculty award program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5220 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

February 13, 1989

SB 5267 Prime Sponsor, Senator Talmadge: Making graffiti illegal. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5267 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Vice Chairman; Madsen, Nelson, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5478 Prime Sponsor, Senator Amondson: Creating a two-day steelhead punchcard. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5542 Prime Sponsor, Senator Lee: Providing for review of regulatory rules. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Matson, Murray, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5543 Prime Sponsor, Senator Lee: Regulating annual reports of nonprofit corporations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5544 Prime Sponsor, Senator Anderson: Regulating public benefit nonprofit corporations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Matson, Murray, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 14, 1989

SB 5560 Prime Sponsor, Senator von Reichbauer: Providing for insurance coverage for temporomandibular joint disorders. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5560 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5622 Prime Sponsor, Senator Craswell: Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5700 Prime Sponsor, Senator von Reichbauer: Cleaning up provisions of Title 30 RCW. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5701 Prime Sponsor, Senator von Reichbauer: Regulating financial institutions. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5731 Prime Sponsor, Senator von Reichbauer: Allowing investment in government obligations. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5789 Prime Sponsor, Senator Owen: Providing additional factors to be considered when reviewing permanent parenting plans. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 14, 1989

SJR 8207 Prime Sponsor, Senator West: Immunity for members of Washington guarantee association. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8207 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Rasmussen, Sellar, West.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5899 by Senator Amondson

AN ACT Relating to the property tax levy for cemetery districts; and amending RCW 84.52.010.

Referred to Committee on Governmental Operations.

SB 5900 by Senator Anderson

AN ACT Relating to sewer and water districts; adding new sections to chapter 56.12 RCW; and adding new sections to chapter 57.12 RCW.

Referred to Committee on Governmental Operations.

SB 5901 by Senators Barr, Bailey, Rinehart, Fleming, Talmadge, Owen, Bauer, DeJarnatt, Kreidler, Gaspard, Warnke and Stratton

AN ACT Relating to providing state funding assistance to school districts; adding new sections to chapter 28A.03 RCW; and making appropriations.

Referred to Committee on Education.

SB 5902 by Senators Lee, Smitherman and Murray

AN ACT Relating to the establishment of the council for the future; adding a new chapter to Title 43 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 5903 by Senators Kreidler and Bauer

AN ACT Relating to nursing home care for medically fragile children; and creating new sections.

Referred to Committee on Health Care and Corrections.

SB 5904 by Senators Pullen, Niemi and Talmadge

AN ACT Relating to district courts; and adding a new section to chapter 3.34 RCW.

Referred to Committee on Law and Justice.

SB 5905 by Senators Benitz, Bender, Amondson, Smitherman, Owen and Anderson

AN ACT Relating to the building code council; amending RCW 19.27.015, 19.27.031, 19.27.060, and 19.27.074; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5906 by Senators Nelson, DeJarnatt, McDonald, Bluechel, Vognild, Hansen, Conner and Bailey

AN ACT Relating to the funding of state and local transportation programs, including roads and streets, transit and rail systems; amending RCW 82.36.025, 46.68.090, 82.36.030, 82.36.440, 82.38.280, 46.16.060, 46.16.065, 46.16.079, 46.16.080, 46.16.085, 46.16.090, 46.16.121, 46.16.160, 46.16.310, 46.16.315, 46.16.460, 46.16.505, 46.16.630, 46.44.047, 46.44.0941, 46.44.095, 46.44.096, 46.68.030, 82.44.020, 82.44.150, 84.52.052, and 47.26.121; reenacting and amending RCW 46.16.070 and 47.76.030; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 47.76 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.36 RCW; adding a new chapter to Title 47 RCW; adding a new chapter to Title 81 RCW; adding a new chapter to Title 82 RCW; creating new sections; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8013 by Senators Metcalf, Owen, Sutherland and Rasmussen

Praying that the army corps of engineers install bypass facilities at hydroelectric projects.

Referred to Committee on Environment and Natural Resources.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9060, Antonio Santoy, as a member of the State Board for Community College Education, was confirmed.

Senator Newhouse spoke to the confirmation of Antonio Santoy as a member of the State Board for Community College Education.

## APPOINTMENT OF ANTONIO SANTOY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Absent: Senators Lee, Patterson, Smith, Stratton, Sutherland, Williams - 6.

Excused: Senator Fleming - 1.

## MOTIONS

On motion of Senator Bender, Senator Williams was excused.

On motion of Senator Anderson, Senators Patterson and Lee were excused.

## MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9031, Dr. Martin R. Kaatz, as a member of the Forest Practices Appeals Board, was confirmed.

## APPOINTMENT OF DR. MARTIN R. KAATZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators Fleming, Lee, Patterson, Williams - 4.

## SECOND READING

SENATE BILL NO. 5022, by Senators Benitz and Williams (by request of Washington Utilities and Transportation Commission)

Modifying utilities and transportation commission reporting requirements.

The bill was read the second time.

## MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5022.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 45.

Excused: Senators Fleming, Lee, Patterson, Williams - 4.

SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:23 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5156, by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer, Gaspard and Barr

Providing for the Cedar river sockeye salmon enhancement program.

#### MOTION

Senator Metcalf moved that Senate Bill No. 5156 not be substituted.

The President declared the question before the Senate to be the motion by Senator Metcalf that Senate Bill No. 5156 not be substituted.

The motion by Senator Metcalf carried and Senate Bill No. 5156 was not substituted.

Senate Bill No. 5156 was read the second time.

#### MOTIONS

Senator Thorsness moved that the following amendment by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature hereby designates the Cedar river sockeye salmon enhancement project as the "Washington state centennial salmon venture."

**NEW SECTION.** Sec. 2. The legislature recognizes that King county has a unique urban setting for a recreational fishery and that Lake Washington and the rivers flowing into it should be developed for greater salmon production. A Lake Washington fishery is accessible to fifty percent of the state's citizens by automobile in less than one hour. There has been extensive sockeye fishing success in Lake Washington, primarily from fish originating in the Cedar river. The legislature intends to enhance the Cedar river fishery by active state and local management and intends to maximize the Lake Washington sockeye salmon runs for recreational fishing for all of the citizens of the state. A sockeye enhancement program could produce two to three times the current numbers of returning adults. A sockeye enhancement project would increase the public's appreciation of our state's fisheries, would demonstrate the role of a clean environment, and would show that positive cooperation can exist between local and state government in planning and executing programs that directly serve the public. A spawning channel in the Cedar river has been identified as an excellent way to enhance the Lake Washington sockeye run. A public utility currently diverting water from the Cedar river for beneficial public use has expressed willingness to fund the planning, design, evaluation, construction, and operation of a spawning channel on the Cedar river.

**NEW SECTION.** Sec. 3. A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the state department of fisheries. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW to assist in the planning, construction, and operation of the spawning channel.

**NEW SECTION.** Sec. 4. The department of fisheries shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department of fisheries, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in section 6 of this act. The technical committee will be guided by a policy committee, also to be chaired by the department of fisheries, which shall consist of not more than six members: One representative from the department of fisheries, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in section 6 of this act. The policy committee shall present a progress report to the senate and house of representatives natural resources and environment committees by January 1, 1990, and shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in section 5 of this act.



**NEW SECTION.** Sec. 5. The channel shall be designed to produce, at a minimum, fry comparable in quality to those produced in the Cedar river and equal in number to what could be produced naturally by the estimated two hundred sixty-two thousand adults that could have spawned upstream of the Landsburg diversion. Construction of the spawning channel shall commence no later than September 1, 1990. Initial construction size shall be adequate to produce fifty percent or more of the production goal specified in this section.

**NEW SECTION.** Sec. 6. The legislature recognizes that, if funding for planning, design, evaluation, construction, and operating expenses is provided by a public utility that diverts water for beneficial public use, and if the performance of the spawning channel meets the production goals described in section 5 of this act, the spawning channel project will serve, at a minimum, as compensation for lost sockeye salmon spawning habitat upstream of the Landsburg diversion. The amount of funding to be supplied by said utility will fully fund the total cost of planning, design, evaluation, and construction of the spawning channel.

**NEW SECTION.** Sec. 7. In order to provide operation and maintenance funds for the facility authorized by this act, the utility shall place two million five hundred thousand dollars in the state general fund Cedar river channel construction and operation account herein created. The interest from the fund shall be used for operation and maintenance of the spawning channel and any unused interest shall be added to the fund to increase the principal to cover possible future operation cost increases. The state treasurer may invest funds from the account as provided by law.

**NEW SECTION.** Sec. 8. The state department of fisheries, the state department of ecology, all other state agencies, and local governments shall expedite all required permits for construction and operation of the spawning channel.

**NEW SECTION.** Sec. 9. The legislature hereby declares that the construction of the Cedar river sockeye spawning channel is in the best interests of the state of Washington.

**NEW SECTION.** Sec. 10. Should the requirements of this act not be met, the department of fisheries shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

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

**NEW SECTION.** Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION.** Sec. 13. Sections 3 through 9 of this act are each added to chapter 75.52 RCW."

Senator Sutherland moved that the following amendment to the amendment by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer and Gaspard be adopted:

On page 1, line 13, after "as" strike "the" and insert "a"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 1, line 13, to the striking amendment by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer and Gaspard.

The motion by Senator Sutherland carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer and Gaspard to Senate Bill No. 5156, as amended.

Debate ensued.

The amendment by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer and Gaspard, as amended, was adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "salmon;" strike the remainder of the title and insert "adding new sections to chapter 75.52 RCW: creating new sections; and declaring an emergency."

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 5156 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Hansen: "Senator Metcalf, I'm not very well acquainted--I live more than an hour away from the channel and also the means they have to get in there. How many 'Herschels' are we going to feed in order to be able to get them up to that spawning channel?"

Senator Metcalf: "How many what?"

Senator Hansen: "How many 'Herschels'?"

Senator Metcalf: "Oh, we do have a problem with the seals and sea lions, however they prey mainly on the steelheads. They do not prey much on the sockeye run, whether it's the difference in timing or whatever, but they're not a real threat to the sockeye run."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5156.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Rinehart - 1.

Excused: Senators Fleming, Lee - 2.

ENGROSSED SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5150, by Senators Bender, Thorsness, Kreidler, Conner and Talmadge

Declaring prisoner of war recognition day.

The bill was read the second time.

## MOTION

On motion of Senator Bender, the rules were suspended, Senate Bill No. 5150 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5150.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Fleming, Lee - 2.

SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5208, by Senators Nelson and Talmadge

Creating the Washington condominium act.

## MOTIONS

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5208 was substituted for Senate Bill No. 5208 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5208.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5208 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Madsen - 1.

Excused: Senators Fleming, Lee - 2.

SUBSTITUTE SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

February 14, 1989

SB 5408 Prime Sponsor, Senator McCaslin: Revising the definition of sale as it relates to the real estate excise tax. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Rasmussen, Sellar, West.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5466 Prime Sponsor, Senator McCaslin: Removing an employee of the insurance commissioner from the building code council. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5484 Prime Sponsor, Senator Thorsness: Creating Washington national guard day. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5489 Prime Sponsor, Senator McCaslin: Clarifying the filing requirements of

short subdivision surveys. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5658 Prime Sponsor, Senator McCaslin: Creating a risk management program and agency accountability. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Referred to Committee on Ways and Means.

February 14, 1989

SB 5819 Prime Sponsor, Senator Metcalf: Increasing the penalties for poaching, including seizure and forfeiture of certain personal property. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5819 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SCR 8400 Prime Sponsor, Senator Barr: Creating a joint select committee on agricultural products clear title. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8400 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

June 14, 1988

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

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

Pearl McElheran, reappointed June 14, 1988, for a term ending June 30, 1992, as a member of the Higher Education Coordinating Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 16, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

### THIRTY-NINTH DAY

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#### NOON SESSION

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Senate Chamber, Olympia, Thursday, February 16, 1989

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

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

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 14, 1989

SB 5011 Prime Sponsor, Senator Newhouse: Providing for allocation of assets of an institutionalized spouse. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5011 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 15, 1989

SB 5012 Prime Sponsor, Senator McDonald: Clarifying the liability of condominium owners' associations for air pollution violations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5145 Prime Sponsor, Senator Smith: Licensing adult family homes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi.

Referred to Committee on Ways and Means.

February 14, 1989

SB 5362 Prime Sponsor, Senator West: Regulating the administration of antipsychotic medications. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5372 Prime Sponsor, Senator Bluechel: Revising laws concerning recreational boating. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5385 Prime Sponsor, Senator Vognild: Providing for collection and analysis of hospital data. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5386 Prime Sponsor, Senator Vognild: Requiring hospital certification. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson.

MINORITY recommendation: Do not pass. Signed by Senators Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1989

SB 5524 Prime Sponsor, Senator Bailey: Providing local education enhancement program funds. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Referred to the Committee on Ways and Means.

February 15, 1989

SB 5836 Prime Sponsor, Senator Amondson: Revising requirements regarding procurement and solid waste disposal. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5836 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

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

February 14, 1989

The Honorable Gordon A. Golob  
Secretary of the Senate  
306 Legislative Building

Olympia, Washington 98504

Dear Secretary of the Senate Golob:

Enclosed is a copy of the Foster Care Rate Study as provided by the appropriation bill, House Bill No. 1312 of the 1988 Legislative Session. If you have any questions, please contact Kathy Sullivan at 753-8527.

Sincerely,  
RICHARD J. THOMPSON  
Acting Secretary

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

MESSAGE FROM THE HOUSE

February 15, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5907 by Senators Hansen, Barr and Benitz

AN ACT Relating to annexations and incorporations that include a portion of a fire protection district; and amending RCW 35.02.200.

Referred to Committee on Governmental Operations.

SB 5908 by Senators Hansen, Madsen, Bailey, Barr, Gaspard, Newhouse, Anderson and Bauer

AN ACT Relating to the taxation of food; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Agriculture.

SB 5909 by Senators Stratton and Saling

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

Referred to Committee on Energy and Utilities.

SB 5910 by Senators Smitherman, Warnke and Vognild

AN ACT Relating to prevailing wage coverage for transportation workers; and amending RCW 39.12.010, 39.12.020, and 39.12.040.

Referred to Committee on Economic Development and Labor.

SB 5911 by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer

AN ACT Relating to public lands; adding a new section to chapter 79.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5912 by Senators Amondson, Johnson, Smith and West

AN ACT Relating to electronic monitoring of inmate telephone calls within county and city jail facilities; and adding a new section to chapter 9.73 RCW.

Referred to Committee on Health Care and Corrections.

SB 5913 by Senators DeJarnatt and Conner

AN ACT Relating to commercial salmon fishing; amending RCW 75.12.210 and 75.12.230; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5914 by Senators Moore, Niemi, Fleming, Williams, Wojahn and McMullen



AN ACT Relating to gender-based discrimination; amending RCW 41.05.075, 48.30-.300, 48.18.480, 48.20.050, 48.23.180, 48.23.360, 48.24.150, 48.44.220, 48.46.370, 48.66.041, 48.74.030, 48.76.050, 49.60.030, 49.60.178, and 70.47.130; adding a new section to chapter 48.76 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5915 by Senators DeJarnatt, Benitz, Barr, Kreidler, Patterson and Murray

AN ACT Relating to creating a fishery management study committee; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5916 by Senators Barr, Newhouse, Hansen, Madsen, Bailey, Anderson and Gaspard

AN ACT Relating to the labeling of meat; and amending RCW 16.49A.570.

Referred to Committee on Agriculture.

SB 5917 by Senators Sellar, Vognild, Matson, Benitz, Bauer, Hansen, Barr, Stratton and Newhouse

AN ACT Relating to the Puget Sound water quality authority; and amending RCW 90.70.001, 90.70.060, and 90.70.070.

Referred to Committee on Environment and Natural Resources.

SB 5918 by Senators Anderson and Newhouse

AN ACT Relating to unemployment insurance; amending RCW 50.04.150, 50.29.025, 50.20.150, 50.20.120, and 50.20.100; reenacting and amending RCW 50.04.030; creating new sections; and repealing RCW 50.04.155.

Referred to Committee on Agriculture.

SB 5919 by Senators Anderson, Bailey and Hansen

AN ACT Relating to agricultural assistance; adding a new chapter to Title 7 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5920 by Senators Hansen, Patterson, Sutherland, Johnson, Kreidler, Sellar, Stratton and Benitz

AN ACT Relating to motor freight carrier regulation and safety; amending RCW 81.80.070, 81.80.190, 81.80.260, and 81.80.371; adding new sections to chapter 81.80 RCW; and repealing RCW 81.80.020.

Referred to Committee on Transportation.

SB 5921 by Senators Bailey, Rinehart, Fleming, Lee, Murray, Anderson and Stratton

AN ACT Relating to the use of tobacco products on public school property; and adding a new section to chapter 28A.31 RCW.

Referred to Committee on Education.

SB 5922 by Senators Barr and Hansen

AN ACT Relating to authorizing counties to create apiary coordinated areas; adding new sections to chapter 15.60 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5923 by Senator Williams

AN ACT Relating to seasonal career employees; amending RCW 41.40.010, 41.40.120, and 41.40.361; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5924 by Senator Nelson

AN ACT Relating to sales and use taxes for public transportation systems; and reenacting and amending RCW 82.14.045.

Referred to Committee on Transportation.

SB 5925 by Senator Matson

AN ACT Relating to the authority of cities and towns to form self-insurance groups for industrial insurance; and amending RCW 48.62.040 and 51.14.150.

Referred to Committee on Economic Development and Labor.

SB 5926 by Senators Benitz, Williams and Stratton

AN ACT Relating to low-level radioactive waste; amending RCW 43.200.080; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5927 by Senators Benitz and Stratton

AN ACT Relating to low-level radioactive waste; amending RCW 43.145.020; adding a new section to chapter 43.145 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5928 by Senator Johnson

AN ACT Relating to cost-of-living adjustments to mitigate the impact of inflation occurring after age sixty-five for retired members of the public employees' and teachers' retirement systems; amending RCW 41.32.005 and 41.40.005; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5929 by Senator Johnson

AN ACT Relating to providing a one-dollar increase in the minimum retirement allowance for members of the public employees' and teachers' retirement systems; and amending RCW 41.32.485, 41.32.487, 41.40.198, and 41.40.1981.

Referred to Committee on Ways and Means.

SB 5930 by Senators Rasmussen and Hayner

AN ACT Relating to children in need of special services; amending RCW 13.34.030, 13.34.110, 13.34.120, 13.34.165, 74.13.036, 13.32A.030, 13.32A.090, 13.32A.110, 13.04.030, 13.04.040, 13.04.093, 13.04.240, 13.06.010, 13.06.030, 13.06.040, and 13.06.050; reenacting and amending RCW 74.13.031; adding new sections to chapter 13.34 RCW; and repealing RCW 74.13.032, 74.13.033, 74.13.034, 74.13.035, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.120, 13.32A.130, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.200, and 13.32A.250.

Referred to Committee on Children and Family Services.

SB 5931 by Senators von Reichbauer, Gaspard, McCaslin and McMullen

AN ACT Relating to the creation of the Washington state amateur athletics commission; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5932 by Senator Williams

AN ACT Relating to family and medical leave; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 5933 by Senators Williams and Murray

AN ACT Relating to an annual leave sharing program for state employees; and adding new sections to chapter 41.04 RCW.

Referred to Committee on Governmental Operations.

SB 5934 by Senator Williams

AN ACT Relating to family and medical leave; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5935 by Senators Williams, Cantu, Niemi and Lee

AN ACT Relating to the capitol campus; and adding a new section to chapter 43.34 RCW.

Referred to Committee on Governmental Operations.

SB 5936 by Senators Williams and Benitz

AN ACT Relating to the low-level waste compact committee; amending RCW 43.145-.020 and 43.200.080; and adding a new section to chapter 43.145 RCW.

Referred to Committee on Energy and Utilities.

SB 5937 by Senator Williams

AN ACT Relating to business and occupation taxation; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SJM 8014 by Senators Benitz, Metcalf, Moore, Barr and Vognild

Promoting the decommercialization of steelhead trout, elk, and deer.

Referred to Committee on Environment and Natural Resources.

SJR 8220 by Senators Williams, Talmadge and Niemi

Expanding motor vehicle fees and gas tax revenue uses to public transportation.

Referred to Committee on Transportation.

SJR 8221 by Senator Williams

Amending the Constitution to specify where state offices and executive departments must be located.

Referred to Committee on Governmental Operations.

SCR 8407 by Senators Anderson, Lee and Matson

Creating joint select committee on group self-insurance.

Referred to Committee on Economic Development and Labor.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1173 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Crane, Tate, P. King, Inslee and Sprenkle)

Revising nonclaim statutes.

Referred to Committee on Law and Justice.

#### MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 17, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## FORTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 17, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Susan Hanson and Tim Wheeler, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 15, 1989

SB 5026 Prime Sponsor, Senator Kreidler: Expanding child care resources and information. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5124 Prime Sponsor, Senator Metcalf: Creating a bill of rights for sexually abused children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5152 Prime Sponsor, Senator von Reichbauer: Amending insurance form filing requirements. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5185 Prime Sponsor, Senator Wojahn: Establishing a family day care center as a residential use for zoning purposes. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5207 Prime Sponsor, Senator Bailey: Establishing an adoption disclosure procedure. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognil.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5214 Prime Sponsor, Senator Smith: Mandating abuse and neglect reporting. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognil.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5218 Prime Sponsor, Senator Saling: Modifying bonds and bond issuance authority of the state finance committee. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton.

Referred to Committee on Ways and Means.

February 16, 1989

SB 5285 Prime Sponsor, Senator Owen: Providing that certain covenants survive a tax foreclosure sale. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5420 Prime Sponsor, Senator Patterson: Authorizing issuance of special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5492 Prime Sponsor, Senator Nelson: Establishing immunity for health care providers in suits brought by a parent. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5593 Prime Sponsor, Senator Patterson: Conforming vehicle length requirements to federal law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, DeJarnatt, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5673 Prime Sponsor, Senator Pullen: Requiring periodic post-release follow-up of sex offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5673 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5676 Prime Sponsor, Senator Cantu: Designating state route number 901 a scenic highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, Conner, DeJarnatt, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5679 Prime Sponsor, Senator von Reichbauer: Revising provisions for industrial insurance funds. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5686 Prime Sponsor, Senator Barr: Making major changes to agriculture statutes. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5712 Prime Sponsor, Senator Kreidler: Changing provisions relating to the environmental hearings office. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5715 Prime Sponsor, Senator Newhouse: Regulating the business of immigration consulting. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 14, 1989

SB 5807 Prime Sponsor, Senator Pullen: Protecting Indian and historic graves. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 16, 1989

GA 9022 JOYCE A. GILLIE, appointed June 15, 1988, for a term ending January 18, 1992, as a member of the Board of Pharmacy.  
Reported by Committee on Health Care and Corrections

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

Passed to Committee on Rules.

February 16, 1989

GA 9029 JOSEPH M. HONDA, reappointed June 16, 1988, for a term ending January 18, 1992, as a member of the Board of Pharmacy.  
Reported by Committee on Health Care and Corrections

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

Passed to Committee on Rules.

February 15, 1989

GA 9045 NORMAN V. MCKIBBEN, appointed December 7, 1988, for a term ending June 30, 1994, as a member of the Transportation Commission, succeeding Vaughn Hubbard.  
Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Barr, Benitz, DeJarnatt, Madsen, Murray, Thorsness.

Passed to Committee on Rules.

February 16, 1989

GA 9078 BARBARA VANDERKOLK, reappointed January 10, 1986, for a term ending January 20, 1990, as a member of the Board of Pharmacy.  
Reported by Committee on Health Care and Corrections

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

Passed to Committee on Rules.

## INTRODUCTION AND FIRST READING

SB 5938 by Senators McDonald, Wojahn and Saling

AN ACT Relating to the funding of community colleges; amending RCW 84.52.052; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5939 by Senators Rinehart, Warnke, Smitherman, Bender, Niemi, Murray, Moore and Bauer

AN ACT Relating to school nurses; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5940 by Senators Rinehart, Warnke and Moore

AN ACT Relating to the death penalty and mentally retarded offenders; and amending RCW 10.95.030, 10.95.070, 10.95.130, and 10.95.140.

Referred to Committee on Law and Justice.

SB 5941 by Senator Madsen

AN ACT Relating to liquor licensing; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Economic Development and Labor.

SB 5942 by Senator Madsen

AN ACT Relating to elections to fill unexpired terms; and repealing RCW 29.13.075.

Referred to Committee on Governmental Operations.

SB 5943 by Senator Madsen

AN ACT Relating to river recreational activities; amending RCW 91.14.010, 91.14.090, and 91.14.110; adding a new section to chapter 91.14 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5944 by Senators Smith and West

AN ACT Relating to requiring practical experience for the job of institutional nursing consultant; and reenacting and amending RCW 41.06.150.

Referred to Committee on Health Care and Corrections.

SB 5945 by Senators Smitherman, Warnke, Conner and Vognild

AN ACT Relating to workplace safety; adding a new section to chapter 39.04 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5946 by Senators Moore, McMullen and Johnson

AN ACT Relating to portability of pension benefits between the Seattle police relief and pension fund and the public employees' retirement system; adding new sections to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5947 by Senators McMullen, Pullen, Niemi, Talmadge, Murray and Anderson

AN ACT Relating to establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence; and amending RCW 9.94A.390.

Referred to Committee on Law and Justice.

SB 5948 by Senators Benitz, Williams, Stratton, Sutherland, Owen, Nelson, Bluechel and Pullen

AN ACT Relating to gas, electric, and water companies; and amending RCW 80.28-.025 and 82.16.055.

Referred to Committee on Energy and Utilities.



SB 5949 by Senators Talmadge, Johnson, Vognild, Bailey, Niemi, Moore, Kreidler, Madsen, Murray and West

AN ACT Relating to general obligation bonds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SB 5950 by Senators Talmadge, Bailey and Bauer

AN ACT Relating to childhood sexual abuse; and amending RCW 4.16.340.

Referred to Committee on Law and Justice.

SB 5951 by Senators Kreidler, Metcalf, Owen, Benitz, DeJarnatt and Amondson

AN ACT Relating to geoducks; amending RCW 75.10.140, 79.96.010, 79.96.020, 79.96.030, 79.96.050, 79.96.070, 75.24.100, 75.28.287, and 75.10.140; adding a new chapter to Title 75 RCW; repealing RCW 79.96.080 and 79.96.085; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5952 by Senators Pullen, Talmadge and Nelson

AN ACT Relating to the small claims department of the district court; amending RCW 12.40.020, 12.40.040, 12.40.060, 12.40.100, 12.40.110, 12.40.800, and 19.16.250; adding a new section to chapter 6.01 RCW; and adding a new section to chapter 12.40 RCW.

Referred to Committee on Law and Justice.

SB 5953 by Senators Pullen, Talmadge, Johnson and McMullen

AN ACT Relating to the jury source list; amending RCW 2.36.010 and 2.36.055; creating a new section; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5954 by Senator Anderson

AN ACT Relating to remembrance tabs for honorably discharged veterans; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5955 by Senator Anderson

AN ACT Relating to dual registration of securities salespersons; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5956 by Senators Hansen, Conner, Metcalf, Newhouse, Anderson, Bailey and Madsen

AN ACT Relating to flood plains; and amending RCW 86.16.031 and 86.16.041.

Referred to Committee on Governmental Operations.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9040, Larry Kowbel, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF LARRY KOWBEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators Barr, DeJarnatt, Fleming, West - 4.

MOTION

On motion of Senator Smith, Senator Anderson was excused.

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9068, Dr. Max M. Snyder, as a member of the State Board for Community College Education, was confirmed.

## APPOINTMENT OF DR. MAX M. SNYDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators Anderson, DeJarnatt, Fleming, West - 4.

## SECOND READING

SENATE BILL NO. 5009, by Senator Anderson

Changing exemptions for vessel registration.

## MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5009.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators Anderson, DeJarnatt, Fleming, West - 4.

SUBSTITUTE SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5179, by Senators Barr, Patterson, Conner, Metcalf, Sellar, Benitz, Anderson, West and Kreidler

Providing for a rural health facility licensure model.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5179.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtnild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Excused: Senators Anderson, DeJarnatt, West - 3.

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1599, by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Bristow, H. Sommers, Winsley, Miller, Sayan, Pruitt, Wineberry, P. King, Rayburn, Raiter, R. King, Belcher, Jones, Scott, Baugher, Jacobsen, H. Myers, Rasmussen, Spanel, Basich, Phillips, Appelwick and Day)

Making appropriations for persons suffering from alcoholism or drug addiction.

The bill was read the second time.

## MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that chapter 74.50 RCW, the alcoholism and drug addiction treatment and support act, is a successful method of providing treatment to indigent alcoholics and drug addicts. The legislature further finds that the program is facing fiscal restraints in the current biennium that may prevent the program from accomplishing its mission and may do irreparable harm to the continuation of the program.

**NEW SECTION.** Sec. 2. A new section is added to chapter 74.50 RCW to read as follows:

Within available funds, the department may provide to eligible persons services for assessment, inpatient and outpatient treatment, and shelter. In order to control expenditures or to comply with conditions or limitations placed on appropriations, the department may establish caseload ceilings and client eligibility standards for any of these services. The eligibility standards may provide for limiting eligibility for any service to that class or classes of applicants that the department determines constitute the highest priority for services under this chapter. The department's determination of priority shall be based on the department's estimate of the potential benefit to applicants and the likelihood that the service will reduce future demands for state assistance. The department may provide such a priority classification system for any or all services provided under this chapter. Any caseload ceiling or priority classification system adopted by the department shall be consistent with any appropriation condition or limitation prescribing or dealing with such a ceiling or system. If funds provided for any of these services have been fully expended, the department shall immediately discontinue that service.

**NEW SECTION.** Sec. 3. A new section is added to chapter 74.08 RCW to read as follows:

Nothing in this chapter except RCW 74.08.070 and 74.08.080 applies to chapter 74.50 RCW.

**NEW SECTION.** Sec. 4. Section 4, chapter 406, Laws of 1987, section 2, chapter 163, Laws of 1988 and RCW 74.50.030 are each repealed.

**NEW SECTION.** Sec. 5. The sum of ten million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 1989, from the general fund to the department of social and health services solely for alcoholism and drug addiction services as specifically described in this section. Four million eight hundred thousand dollars of this appropriation shall be from federal sources. The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall not be construed as a commitment to a funding level for the program for the 1989-91 fiscal biennium.

(2) The department shall manage treatment services so that caseloads are gradually modified to produce a caseload of approximately 1,075 outpatient clients on June 30, 1989. Living allowance stipends for outpatient treatment clients may be paid within this appropriation.

(3) The highest priority classes of clients for treatment services, in order of priority, are: (a) Pregnant women; (b) persons referred through child protective services; (c) adults living in households with children; and (d) persons who receive substantial services from the state, as determined by the department.

(4) The department shall manage shelter services so that caseloads are gradually modified to achieve an average of approximately 1,213 clients per month receiving shelter services during the period from January 1, 1989, through June 30, 1989.

(5) For the period February 1, 1989, through June 30, 1989, the average monthly rate of expenditure for assessment services shall be not more than seventy-five percent of the expenditure rate for assessment services during January 1989.

(6) If any condition or limitation in this section is held null or invalid, the general fund—state appropriation in this section shall lapse and any unexpended funds shall revert to an unappropriated status.

**NEW SECTION.** Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking Committee on Ways and Means amendment to Substitute House Bill No. 1599. The motion by Senator McDonald carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "addiction;" strike the remainder of the title and insert "adding a new section to chapter 74.50 RCW; adding a new section to chapter 74.08 RCW; creating a new section; repealing RCW 74.50.030; making an appropriation; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1599, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1599, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1599, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Excused: Senators Anderson, DeJarnatt, West - 3.

SUBSTITUTE HOUSE BILL NO. 1599, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8628

by Senators Bailey, Rasmussen and Gaspard

WHEREAS, The people of Washington state recognize the growing importance and imperative need for vocational education and training necessary to prepare individuals for the working world and to assist them in reaching their occupational goals; and

WHEREAS, Vocational education supplies our state with a strong, well-trained work force, which enhances Washington's economic growth; and

WHEREAS, Vocational education stimulates the growth and vitality of Washington's business and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and

WHEREAS, Our public high schools, skills centers, vocational-technical institutes, and community colleges along with community-based organizations and private training agencies provide programs to students and adults seeking to acquire and/or enhance their skills; and

WHEREAS, Strong vocational education programs, planned and carried out by trained vocational educators, are vital to the future economic development of our state and the well-being of its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognizes and wishes to express its support for Vocational Education Week, February 13 through 17, 1989.

Senator Rasmussen spoke to Senate Resolution 1989-8628.

#### MOTION

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

#### SENATE RESOLUTION 1989-8629

by Senator Vognild

WHEREAS, Chris Henderson of Cascade High School in Everett was named the Gatorade Circle of Champions National High School Soccer Player of the Year; and

WHEREAS, This award commemorates Chris's athletic and academic achievements and pays tribute to Cascade High School's teaching and coaching staffs, which includes Chris's father, Richard, his soccer coach; and

WHEREAS, Chris has been named All-Conference and All-State and helped Cascade High School win the 1987 Washington State High School Soccer Championship; and

WHEREAS, Chris led his team as its captain and has been selected to compete in several national and international tournaments, including the Youth World Cup in Saudi Arabia this month; and

WHEREAS, Chris's brothers, Pat and Sean, have also been members of the Washington State Youth Soccer Team and have competed at high levels; and

WHEREAS, Chris and brother Pat were recently named to the Parade Magazine High School All-America Soccer Team for 1988; and

WHEREAS, Chris has accomplished all this while maintaining a 3.4 grade point average, being a member of the National Honor Society for the last two years, a member of the Lettermen's Club for four years, a member of the Cascade Service Club, which organizes projects to benefit the high school, and while being on the Student Council for four years, including serving as Senior Class President this year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate praises and commends Chris Henderson and his family and coaches on his being named National High School Soccer Player of the Year for 1988, and wishes him success in the Youth World Cup; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Henderson family and to Cascade High School.

Senator Metcalf spoke to Senate Resolution 1989-8629.

#### MOTION

At 10:44 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Pritchard.

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

#### REPORTS OF STANDING COMMITTEES

February 16, 1989

SB 5021

Prime Sponsor, Senator Kreidler: Establishing a health education program on fats and cholesterol. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Vice Chairman; Amondson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5154 Prime Sponsor, Senator West: Providing for sanitary control of shellfish. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Smith, Vice Chairman; Amondson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5319 Prime Sponsor, Senator West: Prohibiting the use of drugs or autotransfusions by physicians to enhance an athlete's abilities. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5319 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Vice Chairman; Amondson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5481 Prime Sponsor, Senator West: Including education and prevention services in the impaired physician program. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Vice Chairman; Amondson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5501 Prime Sponsor, Senator West: Modifying indemnification of contract providers to the department of corrections. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Vice Chairman; Amondson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5614 Prime Sponsor, Senator West: Monitoring a substance abuse program for dentists. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute do pass. Signed by Senators Smith, Vice Chairman; Amondson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

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

There being no objection, the Senate resumed consideration of the Message from the House which was read in February 13, 1989, reporting that the House had adopted Senate Concurrent Resolution No. 8405 with amendments on page 5, line 8, rule 6; page 5, line 30, rule 8; page 6, line 10, rule 9; page 8, line 17, rule 17;

page 8, line 18, rule 17; page 8, line 21, rule 17; page 8, line 29, rule 17; and page 17, following line 5, adding a new rule, rule 38.

#### MOTION

Senator Newhouse moved that the Senate do concur in the House amendments on page 5, line 8, rule 6; page 5, line 30, rule 8; page 6, line 10, rule 9; page 8, line 17, rule 17; page 8, line 18, rule 17; page 8, line 21, rule 17; page 8, line 29, rule 17; and page 17, following line 5, adding a new rule, rule 38, to Senate Concurrent Resolution No. 8405.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Senate Concurrent Resolution No. 8405.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Concurrent Resolution No. 8405.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8405, as amended by the House.

Senate Concurrent Resolution No. 8405, as amended by the House, was adopted.

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

#### MOTION

On motion of Senator Bender, Senator Madsen was excused.

#### SECOND READING

SENATE BILL NO. 5356, by Senators Smitherman and von Reichbauer

Promoting repair of waterfront sewer systems.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5356.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5356 and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; absent, 2; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 38.

Voting nay: Senators Moore, Pullen, Rinehart, Talmadge, Wojahn - 5.

Absent: Senators Fleming, McMullen - 2.

Excused: Senators Anderson, DeJarnatt, Madsen, West - 4.

SENATE BILL NO. 5356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGES FROM THE HOUSE

February 17, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1599 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

February 17, 1989

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1599, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1599.

## MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 5857.

On motion of Senator Newhouse, Senate Bill No. 5857 was referred to the Committee on Governmental Operations.

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Senate Bill No. 5930.

On motion of Senator Newhouse, Senate Bill No. 5930 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5766.

On motion of Senator Newhouse, Senate Bill No. 5766 was referred to the Committee on Children and Family Services.

## MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 20, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## FORTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 20, 1989

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, DeJarnatt, Fleming, Lee, Moore, Smith and Thorsness. On motion of Senator Anderson, Senators Lee, Smith and Thorsness were excused. On motion of Senator Warnke, Senator DeJarnatt was excused.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Beaudreau and Todd Soper, presented the Colors. Reverend Coriless Hanson, pastor of St. Andrew's United Methodist Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 16, 1989

SB 5117 Prime Sponsor, Senator Barr: Limiting liability of u-pick operations.  
Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5117 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5130 Prime Sponsor, Senator McCaslin: Requiring recording of easements.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5132 Prime Sponsor, Senator McCaslin: Specifying additional requirements for local improvement district notices. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5266 Prime Sponsor, Senator Gaspard: Providing baccalaureate and masters degree equivalencies for certification of vocational instructors.  
Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman;

Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5371 Prime Sponsor, Senator Gaspard: Establishing an award for excellence in teacher preparation. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 15, 1989

SB 5592 Prime Sponsor, Senator Patterson: Limiting liability for damages to facilities on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, DeJarnatt, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 17, 1989

SB 5654 Prime Sponsor, Senator Lee: Restricting the insurance coverage provided by a bond. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5654 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Matson, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 17, 1989

SB 5656 Prime Sponsor, Senator Lee: Limiting the amount of surety liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5656 be substituted therefor, and the substitute bill pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5657 Prime Sponsor, Senator McCaslin: Consolidating standards for establishing voting precinct boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 17, 1989

SB 5782 Prime Sponsor, Senator Benitz: Establishing criminal penalties for defrauding a public utility. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5821 Prime Sponsor, Senator Rinehart: Directing the department of community development to develop a model intergenerational child care program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5826 Prime Sponsor, Senator Bauer: Extending the student teaching pilot projects until December 1990. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 17, 1989

SB 5835 Prime Sponsor, Senator Benitz: Creating an energy information program for local school district use. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5859 Prime Sponsor, Senator Gaspard: Regarding the school directors' association. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5901 Prime Sponsor, Senator Barr: Establishing a grant program to assist eligible school districts in meeting special needs. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

February 17, 1989

Mr. President:  
The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1041.

HOUSE BILL NO. 1374, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 20, 1989

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5957 by Senators Smitherman, von Reichbauer, Wojahn, Gaspard, Warnke and Johnson

AN ACT Relating to diabetes education; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SB 5958 by Senators Conner, Bender, Warnke and Vogndil

AN ACT Relating to notice of reductions in business operations; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 5959 by Senators Talmadge and Moore

AN ACT Relating to port districts; amending RCW 53.08.160; and adding a new chapter to Title 53 RCW.

Referred to Committee on Economic Development and Labor.

SB 5960 by Senators Nelson, Talmadge and Niemi

AN ACT Relating to indigent defense; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5961 by Senators Talmadge and Vogndil

AN ACT Relating to crime victim compensation; amending RCW 7.68.080; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5962 by Senator Niemi

AN ACT Relating to the labeling of cosmetics; and amending RCW 69.04.690.

Referred to Committee on Health Care and Corrections.

SB 5963 by Senators Barr, Hansen, Newhouse, Gaspard, Bailey, Madsen, Anderson and Benitz

AN ACT Relating to livestock; amending RCW 16.04.010, 16.16.020, 16.24.065, 16.24.070, 16.13.020, 16.13.030, 16.13.050, 16.24.090, 16.20.010, 16.28.160, 16.20.035, 16.04.025, 16.57.010, 16.57.290, 16.57.300, and 16.57.410; adding a new section to chapter 16.04 RCW; recodifying RCW 16.16.020, 16.13.020, 16.13.050, 16.28.160, 16.20.010, 16.13.030, 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165; and repealing RCW 16.28.170, 16.12.010, 16.12.020, 16.12.030, 16.12.070, 16.12.080, 16.12.090, 16.12.100, 16.12.110, 16.13.010, 16.13.090, 16.16.010, 16.16.030, 16.16.040, 16.16.050, 16.16.060, 16.20.040, 16.13.025, and 16.57.295.

Referred to Committee on Agriculture.

SB 5964 by Senators Hayner, Newhouse, Rasmussen, Nelson, Rinehart, Matson, McDonald, Bluechel, Talmadge, Cantu, Stratton, Sellar, Johnson, Bauer and Saling

AN ACT Relating to donated equipment for institutions of higher education; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5965 by Senators Matson, Gaspard, Newhouse, DeJarnatt, Sellar, McDonald, Barr, Warnke and Patterson

AN ACT Relating to the distribution and payment of investment earnings on property tax receipts; and amending RCW 36.29.020, 84.56.230, and 84.56.280.

Referred to Committee on Governmental Operations.

SB 5966 by Senators Rinehart, Murray, Smitherman and McMullen

AN ACT Relating to standardizing leave for adoptive parents, foster parents, step-parents, legal guardians, men, and women; adding a new section to chapter 49.12 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 5967 by Senators Rinehart, Johnson, Moore, Fleming, Talmadge, Rasmussen, Smitherman and Wojahn

AN ACT Relating to the voluntary elimination, reduction, or prevention of minority group isolation in public elementary and secondary schools; amending RCW 84.52.0531; adding new sections to chapter 28A.58 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 5968 by Senators Vognild, Smith, Stratton and Niemi

AN ACT Relating to foster care; amending RCW 74.15.040; adding new sections to chapter 74.13 RCW; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children and Family Services.

SB 5969 by Senators Barr, Rinehart, Nelson and Rasmussen

AN ACT Relating to durable power of attorney; amending RCW 11.94.010; and adding new sections to chapter 11.94 RCW.

Referred to Committee on Law and Justice.

SB 5970 by Senator Lee

AN ACT Relating to basic education act program hour requirements; and amending RCW 28A.04.127.

Referred to Committee on Education.

SB 5971 by Senators Lee and Bailey

AN ACT Relating to total program hour offerings in schools; adding a new section to chapter 28A.58 RCW; repealing RCW 28A.58.754; and providing an effective date.

Referred to Committee on Education.

SB 5972 by Senators Conner, Moore and Owen

AN ACT Relating to slot machines; amending RCW 9.46.070, 9.46.100, and 9.46.235; reenacting and amending RCW 9.46.230; and creating a new section.

Referred to Committee on Economic Development and Labor.

SCR 8408 by Senators Moore and Vognild

Resolving to establish a joint select committee on gambling.

Referred to Committee on Economic Development and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1041 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Baugher, Inslee, Dellwo, Todd, Rayburn, Crane, Zellinsky, Jones, Nelson, Grant, Gallagher, R. King, Hine, Sayan, Padden, Walker, Ballard, Silver, May, Brooks, McLean, Dorn, Fuhrman, S. Wilson, Smith, Sprenkle, Jesernig, Winsley, P. King, R. Meyers, Brough, Chandler, Schoon,

Rector, Wineberry, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, Betrozoff, Schmidt, Rasmussen, K. Wilson and Spanel)

Requiring motor vehicle insurance.

Referred to Committee on Financial Institutions and Insurance.

HB 1374 by Representatives Padden, Wang, Dellwo and P. King (by request of Administrator for the Courts)

Changing provisions relating to transferring cases between superior courts.

Referred to Committee on Law and Justice.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9070, Virginia E. Sprenkle, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF VIRGINIA E. SPRENKLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Barr, Fleming, Moore - 3.

Excused: Senators DeJarnatt, Lee, Smith, Thorsness - 4.

MOTION

On motion of Senator Warnke, Senator Fleming was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9075, Earlyse Swift, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF EARLYSE SWIFT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Lee, Smith, Thorsness - 5.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9076, Graham Tollefson, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF GRAHAM TOLLEFSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Lee, Smith, Thorsness - 5.

## SECOND READING

SENATE BILL NO. 5099, by Senators McCaslin, DeJarnatt and von Reichbauer  
(by request of Washington State Patrol)

Revising provisions for suspension without pay of a state patrol officer.

## MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5099 was substituted for Senate Bill No. 5099 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5099 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Smitherman: "Senator McCaslin, I notice that in the first section of the bill that the officer would be suspended without pay, pending the hearing, and over that forty-five day period. Then, as we go to page two, I don't see what happens to the guy's pay if he is not found guilty. Am I to assume, that he would automatically receive back pay if he's not guilty?"

Senator McCaslin: "If the charges are not sustained, then the officer would be reinstated with back pay. I think that would be settled between the patrol and the officer and the association. Thank you, Senator Smitherman."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5099.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5099 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Lee, Smith, Thorsness - 5.

SUBSTITUTE SENATE BILL NO. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

## SECOND READING

SENATE BILL NO. 5001, by Senators Conner and Lee

Making changes relating to the Washington ambassador program.

## MOTIONS

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5001 was substituted for Senate Bill No. 5001 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5001.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Fleming, Lee, Rinehart, Smith, Thorsness - 6.

SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5252, by Senators McCaslin and DeJarnatt

Changing provisions relating to expenditures of public money for unfit buildings, dwellings, structures, and premises.

#### MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5252 was substituted for Senate Bill No. 5252 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5252 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5252.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Moore - 1.

Excused: Senators DeJarnatt, Fleming, Lee, Smith, Thorsness - 5.

SUBSTITUTE SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5014, by Senators Pullen, Madsen, Hayner and Rasmussen

Amending provisions regarding police dogs.

#### MOTIONS

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5014 was substituted for Senate Bill No. 5014 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendments by Senators Pullen and Talmadge were considered simultaneously and were adopted:

On page 1, beginning on line 13, after "duty" strike all material through "works" on line 15 and insert "~~(in accordance with standards established by the law enforcement agency for which he works)~~ in good faith".

On page 1, line 16, strike "activities" and insert "~~((activities))~~ use of the police dog".

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 5014 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



## POINT OF INQUIRY

Senator Moore: "Senator Pullen, I don't want to turn this into a discussion such as we had eleven years ago on the dog bite bill, but I would like to ask this question. 'Police dog' in the bill is not described as a breed, so we're speaking now that any dog could be a police dog? Is that correct?"

Senator Pullen: "That is correct."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, a gentleman I knew was standing out at a bus stop, and had his bowling bag with him. A police dog was loose, and this was in Tacoma, searching for a burglar suspect. He ran up to this person at the bus stop and attacked him. Now, if this person hit the dog with the bowling ball to protect himself, would that be malicious?"

Senator Pullen: "I would say that person would not be charged under the circumstances you described, for a couple of reasons. One, his actions would be covered under existing defenses in Title 9A. In addition, his particular action would not be considered malicious. I would draw your attention to line 19. The old law used to say, 'wilfully,' and in committee we specifically struck 'wilfully' and inserted 'maliciously' to take care of situations where a police dog could be legitimately, wilfully killed—such as a veterinarian would have to put down a police dog that has been mortally injured—for example. That would be a wilful killing of a police dog, but it would not be a malicious one. In the circumstance you describe, I would say that it would not be a chargeable offense."

Senator Rasmussen: "That would be self-defense, then?"

Senator Pullen: "It could come under, I would think, self-defense, which is one of the defenses allowed in Title 9A. It could also come under the fact that it would hardly have been a malicious effort to kill the dog--wilfully, yes--malicious, no."

Senator Rasmussen: "And the other thing, to follow up on this case, the party was not able to collect damages, because police dogs were protected. He was on a search. Although the person was cut up by the dog, he could not collect damages. Would this allow a person that was attacked by a police dog to collect damages?"

Senator Pullen: "The bill exempts dog handlers from immunity, however if there were negligence on the part of the dog handler's employer, damages could be collected."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5014.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator McMullen - 1.

Excused: Senators DeJarnatt, Fleming, Lee, Smith, Thorsness - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4406.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8405.

## SECOND READING

SENATE BILL NO. 5456, by Senators von Reichbauer, Moore and Johnson (by request of State Investment Board)

Exempting certain financial and commercial information from public disclosure.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5456 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5456.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Lee, Smith, Thorsness - 5.

SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

## SECOND READING

SENATE BILL NO. 5168, by Senators Bluechel, DeJarnatt, Sellar, Vognild, Cantu, Kreidler, Sutherland, Thorsness, Smitherman and Lee (by request of Washington State Library)

Authorizing the state library commission to move the western library network to private nonprofit status.

## MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5168 was substituted for Senate Bill No. 5168 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5168.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Kreidler - 1.

Excused: Senators DeJarnatt, Lee, Smith, Thorsness - 4.

SUBSTITUTE SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5284, by Senators Owen, Bender, Conner, Saling and Rasmussen

Authorizing issuance of special license plates to the surviving spouse of a Pearl Harbor survivor.

The bill was read the second time.

## MOTION

Senator Owen moved that the following amendment by Senators Owen and Patterson be adopted:

On page 1, line 29, after "section." add a new subsection to read as follows:

"(4) The surviving spouse must have been married to a Pearl Harbor survivor with Pearl Harbor plates at the time of death to qualify under subsection (3) of this section."

Renumber the remaining subsections consecutively.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, has this amendment been cleared with the veterans groups?"

Senator Owen: "This amendment was advocated by the Pearl Harbor Survivors organization themselves. It was their amendment."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Owen and Patterson on page 1, line 29, to Senate Bill No. 5284.

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

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 5284 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, the reason for the bill is that after hearings, the special committee that was appointed, found out that some widows of the Pearl Harbor survivors or prisoners-of-war, that the license department tried to take the plates away from them. In one case I heard of--when your committee was in Tacoma--this widow of a prisoner-of-war for forty years--they had been married--the license department said, 'you have to give up that plate,' because her husband had died. This will correct that?"

Senator Patterson: "That is correct, Senator Rasmussen."

Senator Rasmussen: "And the amendment that was put on that says, 'the surviving spouse must have been married to a Pearl Harbor survivor with Pearl Harbor plates at the time of death, to qualify under sub section (3),' that will not cause any problems for the veterans?"

Senator Patterson: "Not at all, this was a clarifying amendment that Senator Owen, who is a prime sponsor of this legislation, originally, suggested that we would clarify it, by making sure that the surviving spouse was married to the prisoner-of-war at the time of imprisonment."

Senator Rasmussen: "I don't think imprisonment."

Senator Patterson: "Pearl Harbor, excuse me."

Senator Rasmussen: "That was the real reason for the bill. Many of these prisoners-of-war were not married. They were young eager bucks at the time and they got married after they got out of prison. So, that will not interfere with that?"

Senator Patterson: "Not to my knowledge."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5284.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Lee, Smith, Thorsness - 4.

ENGROSSED SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

President Pro Tempore Bluechel assumed the Chair.

#### MOTION

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

#### SENATE RESOLUTION 1989-8630

by Senators Cantu and Rasmussen

WHEREAS, On this date, our nation pauses to honor two great American presidents, President George Washington and President Abraham Lincoln; and

WHEREAS, As Americans, we vest an awesome responsibility in our highest executive office. In the words of President George Bush, "A presidency can shape an era - and it can change our lives. A successful presidency can shape an age."; and

WHEREAS, Presidents Washington and Lincoln not only shaped their eras, they changed the course and direction of our country and made it the leader that it is today; their strength, wisdom and leadership are our heritage;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in this the centennial year of the state of Washington and the beginning of the third century of the American presidency, hereby recognizes and celebrates "Presidents Day" and the historic contributions of Presidents Washington and Lincoln.

#### MOTION

At 11:17 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 21, 1989.

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

## FORTY-FOURTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 21, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Waylan Korvola and Nels Johnson, presented the Colors. Reverend Coriless Hanson, pastor of St. Andrew's United Methodist Church of Lacey, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 16, 1989

SB 5070 Prime Sponsor, Senator Cantu: Restricting access to vehicle records. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5312 Prime Sponsor, Senator Bailey: Revising grade level certification requirements for teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5370 Prime Sponsor, Senator Gaspard: Regarding school self-study. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5483 Prime Sponsor, Senator Patterson: Allotting a minimum number of school administrators for small school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 16, 1989

SB 5491 Prime Sponsor, Senator Talmadge: Requiring edgestripping along certain roadways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5519 Prime Sponsor, Senator Rinehart: Regarding collaborative projects between higher education institutions, schools, and school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 16, 1989

SB 5554 Prime Sponsor, Senator Patterson: Providing for testing of railroad track scales. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5579 Prime Sponsor, Senator McCaslin: Authorizing state agencies to report past due accounts receivable to credit reporting agencies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5580 Prime Sponsor, Senator McCaslin: Allowing write-offs of uncollectible accounts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5581 Prime Sponsor, Senator McCaslin: Establishing liability for state trust funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5591 Prime Sponsor, Senator Patterson: Prescribing penalties for unfranchised

use of highway right-of-way. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5591 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5661 Prime Sponsor, Senator McCaslin: Revising computation of subsistence and travel expenses. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5677 Prime Sponsor, Senator Pullen: Prohibiting public officials from misrepresenting daily operations to inspectors. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5740 Prime Sponsor, Senator Bailey: Revising the eleventh grade assessment. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 20, 1989

SB 5771 Prime Sponsor, Senator Nelson: Clarifying the process for perfecting interests in the assignment of rents. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5858 Prime Sponsor, Senator McCaslin: Regarding meetings of school directors. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5872 Prime Sponsor, Senator Anderson: Establishing a rural affairs revitalization committee and undertaking rural development projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 20, 1989

SB 5952 Prime Sponsor, Senator Pullen: Changing provisions relating to small claims. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson; Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

February 20, 1989

SJR 8204 Prime Sponsor, Senator Rasmussen: Ratifying an amendment to the United States Constitution on congressional pay raises. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Rasmussen.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 20, 1989

GA 9014 BETTY EAGER, appointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Olympic Community College District No. 3.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 20, 1989

GA 9015 JOSEPH P. ENBODY, reappointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 20, 1989

GA 9024 MARY ANN GRANT, appointed November 29, 1988, for a term ending September 29, 1993, as a member of the Board of Trustees for Peninsula Community College District No. 1.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 20, 1989

GA 9062 JAMES E. SHERRILL, appointed June 1, 1988, for a term ending September 30, 1991, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Higher Education



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

Passed to Committee on Rules.

February 20, 1989

GA 9063 KATHY SIMONIS, appointed June 1, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Centralia Community College District No. 12. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 20, 1989

GA 9074 REVEREND WILLIAM J. SULLIVAN, reappointed March 26, 1988, for a term ending March 26, 1992, as a member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 20, 1989

GA 9088 CAROL B. JAMES, reappointed December 16, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Bellevue Community College District No. 8. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 20, 1989

GA 9091 HAROLD (HAL) T. WOLFE, appointed June 2, 1988, for a term ending September 30, 1989, as a member of the Board of Trustees for South Puget Sound Community College District No. 24. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 20, 1989

Mr. President:

The House has passed HOUSE BILL NO. 1042, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 20, 1989

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8405 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5973 by Senators Saling, Metcalf and Benitz

AN ACT Relating to mental health of minors; and amending RCW 71.34.030, 71.34.040, and 71.34.050.

Referred to Committee on Children and Family Services.

SB 5974 by Senators Saling, Metcalf, Hayner, Benitz and Sellar

AN ACT Relating to disposition hearings; and amending RCW 13.40.150 and 13.40.160.

Referred to Committee on Children and Family Services.

SB 5975 by Senators Saling, Bauer, McDonald, Benitz, Bluechel, Nelson, Smitherman, Lee, Cantu, Johnson, Bender, Sellar, Stratton, Rasmussen, Hansen and Bailey

AN ACT Relating to higher education access; reenacting and amending RCW 28B.15.100; adding a new section to chapter 28B.10 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5976 by Senators Bender, Talmadge, Murray and Bauer

AN ACT Relating to mental health programs in the schools; adding a new chapter to Title 71 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5977 by Senators Thorsness, Vognild, McCaslin, Warnke, Saling, Bender, Stratton, Hayner, Rinehart, Gaspard, Patterson, Lee, Nelson, Smitherman, Barr, Amondson, Talmadge, Conner, Craswell, Benitz, Newhouse, Bauer, Bailey, Smith, Pullen, Niemi, Murray, von Reichbauer, Matson, McMullen, Sutherland, Metcalf, Cantu, Owen, Williams and Bluechel

AN ACT Relating to state-wide video communications; amending RCW 43.105.005 and 43.105.017; adding new sections to chapter 43.105 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5978 by Senators Madsen, Metcalf, Rasmussen and von Reichbauer

AN ACT Relating to sludge; creating new sections; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 5979 by Senator Niemi

AN ACT Relating to tax preferences; amending RCW 84.36.805; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 84.56 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5980 by Senators Hansen, Patterson and Barr

AN ACT Relating to counties' use of detachable containers as transfer stations; and amending RCW 36.58.030.

Referred to Committee on Governmental Operations.

SB 5981 by Senators Bailey, Rinehart, Smith, Lee, Murray, Nelson, Bender, Bauer, Sellar, Warnke, Bluechel, Amondson, Anderson, Saling, Owen and Thorsness

AN ACT Relating to school construction; amending RCW 28A.47.060; adding new sections to chapter 28A.47 RCW; adding a new chapter to Title 28A RCW; creating a new

section; making an appropriation; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5982 by Senators Johnson, Smitherman, Sellar, McCaslin, Conner and Matson

AN ACT Relating to underinsured motorist coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions and Insurance.

SB 5983 by Senator Newhouse

AN ACT Relating to water rights; and amending RCW 90.03.160.

Referred to Committee on Agriculture.

SB 5984 by Senators Newhouse and Barr

AN ACT Relating to water conservation projects and reallocation of saved water in the Yakima river basin; amending RCW 90.03.380 and 90.14.140; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture.

SB 5985 by Senators von Reichbauer, Warnke and Vognild

AN ACT Relating to drivers' licenses; and amending RCW 46.20.114.

Referred to Committee on Transportation.

SB 5986 by Senator Williams

AN ACT Relating to telecommunications service provided by public utility districts; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Energy and Utilities.

SB 5987 by Senators Benitz and Williams

AN ACT Relating to use of alternative fuels; and amending RCW 43.19.570.

Referred to Committee on Energy and Utilities.

SB 5988 by Senators Williams and Benitz

AN ACT Relating to radiation machine inspection; and amending RCW 70.98.090.

Referred to Committee on Energy and Utilities.

SB 5989 by Senators Benitz, Owen and Stratton

AN ACT Relating to the overhead powerline safety act; amending RCW 19.122.010 and 19.122.020; adding new sections to chapter 19.122 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 5990 by Senators Johnson, Moore and McCaslin

AN ACT Relating to limiting the authority of cities to impose license fees or taxes on the resale of network telephone services; and amending RCW 35.21.712, 35.21.714, 35.21-715, 35A.82.055, 35A.82.060, and 35A.82.065.

Referred to Committee on Governmental Operations.

SB 5991 by Senators Pullen, Talmadge, Amondson and Rasmussen

AN ACT Relating to juvenile offenders; amending RCW 13.40.280; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 5992 by Senators Benitz, Williams and Barr

AN ACT Relating to information about availability of alternative fuels; adding new sections to chapter 15.04 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5993 by Senators Benitz, Stratton, Newhouse and Hayner

AN ACT Relating to trade and economic development; amending RCW 43.200.080; adding a new section to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5994 by Senators Benitz, Stratton and Newhouse

AN ACT Relating to the nuclear waste board; reenacting and amending RCW 43.200.040; adding new sections to chapter 43.131 RCW; and repealing RCW 43.200.010, 43.200.015, 43.200.020, 43.200.025, 43.200.030, 43.200.040, 43.200.050, 43.200.060, 43.200.070, 43.200.080, 43.200.090, 43.200.100, 43.200.110, 43.200.120, 43.200.130, 43.200.140, 43.200.142, 43.200.144, 43.200.150, 43.200.160, 43.200.170, 43.200.180, 43.200.190, 43.200.200, 43.200.210, 43.200.900, 43.200.901, 43.200.902, 43.200.903, 43.200.904, 43.200.905, and 43.200.906.

Referred to Committee on Energy and Utilities.

SB 5995 by Senators Benitz and Stratton

AN ACT Relating to radioactive waste; amending RCW 43.200.025 and 43.200.100; reenacting and amending RCW 43.200.040; and repealing RCW 43.200.050.

Referred to Committee on Energy and Utilities.

SB 5996 by Senators Benitz and Hayner

AN ACT Relating to a study of the feasibility of a waste management education and training program; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5997 by Senators Benitz and Rasmussen

AN ACT Relating to the imposition of services charges at facilities handling mixed wastes; amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5998 by Senators Patterson, Rasmussen and Conner

AN ACT Relating to Viet Nam veterans; adding a new section to chapter 73.04 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 5999 by Senators Cantu, Anderson and McDonald

AN ACT Relating to the financial partnership plan for services provided and funded by the department of social and health services; reenacting and amending RCW 74.20A.030; adding a new section to chapter 69.54 RCW; adding a new section to chapter 70.01 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.34 RCW; adding a new section to chapter 72.33 RCW; adding a new section to chapter 74.26 RCW; adding new sections to chapter 43.20B RCW; creating new sections; repealing RCW 74.26.060; and providing an effective date.

Referred to Committee on Ways and Means.

SJR 8222 by Senators Bailey, Rinehart, Smith, Lee, Murray, Nelson, Bender, Bluechel, Bauer, Saling, Warnke, Owen, Thorsness, Amondson and Anderson

Amending the Constitution regarding the common school construction fund.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1042 by Representatives G. Fisher, Baugher, Schmidt, R. Meyers, Hankins, Winsley and Gallagher (by request of Washington State Patrol)

Revising braking equipment requirements for trucks.

Referred to Committee on Transportation.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, February 22, 1989.

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

## FORTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 22, 1989

The Senate was called to order at 8:30 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, DeJarnatt\*, Fleming, McMullen, Rinehart, Smitherman and Williams. On motion of Senator Warnke, Senators Bender, Fleming, Smitherman and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Diane McClary and Travis Vessey, presented the Colors. Captain David L. Thompson, Corps Commanding Officer of the Salvation Army of Olympia, offered the prayer.

\*See Editor's Note regarding Senator DeJarnatt's absence.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 20, 1989

SB 5222 Prime Sponsor, Senator Saling: Repealing the termination of the loan program for mathematics and science teachers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5225 Prime Sponsor, Senator Saling: Creating the Spokane intercollegiate research and technology institute. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 20, 1989

SB 5435 Prime Sponsor, Senator McCaslin: Regulating subdivisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 20, 1989

Mr. President:

The House has passed INITIATIVE TO THE LEGISLATURE NO. 102 by a vote of 56 yeas and 40 nays and has transmitted the enrolled document to the Secretary of State.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6000 by Senators Bauer, Patterson, Madsen, Smitherman, Hansen and Thorsness

AN ACT Relating to preventing students from dropping out of school by limiting the driving privileges of minors; amending RCW 28A.27.020, 28A.27.022, 46.20.091, and 46.20.100; adding a new section to chapter 28A.58 RCW; adding new sections to chapter 46.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 6001 by Senators Bailey and Owen

AN ACT Relating to child abuse or neglect by a school employee; amending RCW 26.44.063; reenacting and amending RCW 74.13.031; and adding a new section to chapter 28A.87 RCW.

Referred to Committee on Education.

SB 6002 by Senators Bauer, Bailey, Rinehart, Benitz, Gaspard, Murray, Craswell, Fleming and Bender

AN ACT Relating to summer school programs at the state school for the blind; adding a new section to chapter 72.40 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 6003 by Senators Bailey, Rinehart, Gaspard, Murray, Warnke, Bauer, Patterson and Craswell

AN ACT Relating to school and educational service districts' employee attendance incentive programs; and amending RCW 28A.21.360 and 28A.58.096.

Referred to Committee on Education.

SB 6004 by Senators Murray, Vognild, Stratton, Smitherman and Warnke

AN ACT Relating to the early childhood telecommunications project; adding a new section to chapter 28A.130 RCW; and making an appropriation.

Referred to Committee on Education.

SB 6005 by Senators Pullen and Talmadge

AN ACT Relating to the protection of victims of domestic violence; and amending RCW 26.50.060 and 26.50.070.

Referred to Committee on Law and Justice.

SB 6006 by Senators Lee and Moore

AN ACT Relating to the business and occupation tax on nonprofit trade and professional organizations for convention, educational seminar, and trade show registration income; amending RCW 82.04.4282; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6007 by Senators Johnson, Smitherman, Bailey and Kreidler

AN ACT Relating to excepting candy and gum from the food product sales and use tax exemption; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 6008 by Senators Saling, Bauer, Cantu, Gaspard, Stratton, Smitherman and Bluechel

AN ACT Relating to the capital incentive program; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding new sections to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6009 by Senators Owen, Nelson, Warnke, Moore and Smith

AN ACT Relating to parents' compliance with residential provisions for a child; amending RCW 9A.40.070 and 26.09.260; adding new sections to chapter 26.09 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6010 by Senators Barr, Vognild, Newhouse, McMullen and Anderson

AN ACT Relating to qualifications for industrial insurance self-insurers; amending RCW 51.14.020; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Economic Development and Labor.

SB 6011 by Senators Cantu, Bailey and Craswell

AN ACT Relating to the application of the sales and use tax on school district capital projects; adding a new section to chapter 28A.58 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6012 by Senator Lee

AN ACT Relating to the leasing of surplus school property; and amending RCW 28A.58.033.

Referred to Committee on Education.

SB 6013 by Senators Bluechel, Talmadge, Fleming, Conner and McDonald

AN ACT Relating to water and sewer connection or capacity charges; and adding a new section to chapter 35.58 RCW.

Referred to Committee on Governmental Operations.

SB 6014 by Senator Fleming

AN ACT Relating to the Washington housing trust fund; adding a new section to chapter 43.185 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6015 by Senators Moore and von Reichbauer

AN ACT Relating to the business and occupation taxation of stock brokers, broker dealers, and security houses; and amending RCW 82.04.260.

Referred to Committee on Financial Institutions and Insurance.

SB 6016 by Senators Lee and Anderson

AN ACT Relating to family and medical leave; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SJM 8015 by Senators Benitz, Williams, Sutherland, Bluechel and Stratton

Asking for a comprehensive national energy policy.

Referred to Committee on Energy and Utilities.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9080, James G. Walton, as a member of the Board of Trustees for Spokane Community College District No. 17, was confirmed.

### APPOINTMENT OF JAMES G. WALTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 43.



Absent: Senators DeJarnatt, \* McMullen - 2.

Excused: Senators Bender, Fleming, Smitherman, Williams - 4.

\*EDITOR'S NOTE:

TO WHOM IT MAY CONCERN:

Pursuant to an earlier request from Senator Arlie DeJarnatt's office, Senator DeJarnatt was to be excused for the week of February 20 through February 24, 1989, because of illness.

Senator DeJarnatt has been admitted to St. John's Hospital in Longview, undergoing treatment for pneumonia, and is unable to be in attendance.

Therefore, all the other roll calls taken today, Wednesday, February 22, 1989, will be marked 'excused.'

GORDON A. GOLOB, Secretary of the Senate

MOTION

On motion of Senator Saling, gubernatorial Appointment No. 9089, Norm Schut, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

MOTIONS

On motion of Senator Anderson, Senator Lee was excused.

On motion of Senator Warnke, Senators DeJarnatt and McMullen were excused.

APPOINTMENT OF NORM SCHUT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Excused: Senators Bender, DeJarnatt, Fleming, Lee, McMullen, Smitherman, Williams - 7.

SECOND READING

SENATE JOINT RESOLUTION NO. 8200, by Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz and Nelson (by request of Attorney General)

Amending the state Constitution to provide for rights of crime victims.

The joint resolution was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 21, after "counsel," insert "The legislature shall make ample provision for the funding of crime victims compensation programs."

Debate ensued.

POINT OF ORDER

Senator McDonald: "Mr. President, I guess I would have to raise the question of scope and object. I know this is unusual, because it is a constitutional amendment and the scope of the Constitution is all encompassing, but the object of this amendment is fairly clear. It's talking about notification of the prosecuting attorney; it's talking about the defendants and what they should expect as far as judicial proceedings for the purpose of this section. It has a whole series of things that have nothing to do with the--as far as the compensation. In this amendment, Senator Talmadge raises that question and I think it expands--not the scope of the Constitution--but clearly the object of this constitutional amendment and I hope that you would rule that way."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Joint Resolution No. 8200 was deferred.

## SECOND READING

SENATE BILL NO. 5209, by Senators Rasmussen, Saling, Johnson and Patterson  
Revising provisions for license plates for widows of prisoners of war.

The bill was read the second time.

## MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5209 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5209.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5209 and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Wojahn - 42.

Excused: Senators Bender, DeJarnatt, Fleming, Lee, McMullen, Smitherman, Williams - 7.

SENATE BILL NO. 5209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5301, by Senators Williams, Lee and Rasmussen (by request of Department of Labor and Industries)

Updating code specifications for factory built housing.

The bill was read the second time.

## MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 5301 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5301.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Wojahn - 43.

Excused: Senators Bender, DeJarnatt, Fleming, Lee, Smitherman, Williams - 6.

SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5072, by Senators Pullen, Rasmussen, Newhouse, Hansen, Niemi, Talmadge, Conner, Smith, McCaslin, Nelson, Rinehart, West, Hayner, Kreidler, Madsen, Thorsness, Gaspard, Lee, Sutherland and von Reichbauer

Establishing a law enforcement medal of honor.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5072 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5072.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5072 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Lee, Smitherman, Williams - 5.

SENATE BILL NO. 5072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 9:12 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:30 a.m. by President Pro Tempore Bluechel.

## SECOND READING

SENATE BILL NO. 5176, by Senators West, Conner, Patterson, Owen, Barr, Sellar, Benitz, Anderson and Kreidler

Allowing cross-credentialing of rural health professionals.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5176 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator West, how far is it intended for this cross credentialing to go? I mean we're not anticipating the people will be permitted to be medical doctors who are not--and having people do various kinds of things that perhaps are not up to the level of that particular scope of professional activity?"

Senator West: "Not at all, Senator Talmadge, not at all. The whole purpose is to look at the areas that they could actually perform more than one job. We're going to have the various state agencies and boards look at this and I'm sure that they'll protect their turf."

Senator Talmadge: "There was a little bit of fear, Senator, that we might see some recommendations for radiology technicians doing brain surgery, but we didn't want to see that happen, particularly in the rural areas."

## MOTION

On motion of Senator Anderson, Senators McCaslin and Saling were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5176.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson,

McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, McCaslin, Saling - 4.

SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 8200 and the pending amendment by Senator Talmadge on page 1, line 21, deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator McDonald, the President finds that Senate Joint Resolution No. 8200 is a measure amending the State Constitution to provide rights to crime victims in all significant judicial proceedings.

"The amendment proposed by Senator Talmadge amends the Constitution to require the Legislature to make ample provision for funding of statutory crime victims compensation programs.

"The President, therefore, finds that the proposed amendment does change the scope and object of the constitutional amendment and that the point of order is well taken."

The amendment by Senator Talmadge to Senate Joint Resolution No. 8200 was ruled out of order.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Joint Resolution No. 8200 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8200.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8200 and the joint resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, McCaslin, Saling - 3.

SENATE JOINT RESOLUTION NO. 8200, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5048, by Senators Lee, Wojahn, McCaslin, Saling, Rasmussen, Talmadge, Sutherland, von Reichbauer and Nelson (by request of Legislative Budget Committee)

Extending the council for the prevention of child abuse and neglect.

#### MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment by Senator Lee was adopted:

On page 3, line 24, after "The amount of" strike "these grants" and insert "the grants to these agencies"

On motion of Senator Smith, the following amendment by Senator Lee was adopted:

On page 3, line 26, after "activities." insert "The council should continue supporting partnerships with small community-based entities as well as providing funds for larger, established organizations."

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5048 was advanced to third reading; the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Smith, you had promised some of us that you would consider a children's amendment or a children's bill and I'm concerned. We are getting parts of that put together in an attempt to bring it into conformance with budgetary needs, but we need to do something out there on intervention and prevention. I wondered if there was anything that you had planned to do on this bill provided that we got it to you?"

Senator Smith: "This question does not pertain to this bill, but there is a scheduled hearing on that bill next Wednesday."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5048.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5583, by Senators Pullen, Newhouse, Nelson, Rasmussen and Talmadge

Replacing the Washington business corporation act.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 11, line 11, after "(2)" delete everything through "communication." on line 16, and insert "Written notice may be transmitted by: Mail, private carrier or personal delivery; telegraph or teletype; or telephone, wire or wireless equipment which transmits a facsimile of the notice. If these forms of written notice are impracticable, written notice may be transmitted by an advertisement in a newspaper of general circulation in the area where published. Oral notice may be communicated in person or by telephone, wire or wireless equipment which does not transmit a facsimile of the notice. If these forms of oral notice are impracticable, oral notice may be communicated by radio, television, or other form of public broadcast communication."

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 5583 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5583.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

## REGARDING ENGROSSED SENATE BILL NO. 5583:

I request that the comments prepared by the Corporation Act Revision Committee of the Washington State Bar Association, which relate to the Proposed Business Corporation Act, be included in the Senate Journal.

Thank you.

Sincerely,

KENT PULLEN, State Senator, 47th District,  
and Chairman, Senate Law and Justice Committee

EDITOR'S NOTE: See Appendix A for the Comments which relate to the Proposed Business Corporation Act.

## SECOND READING

SENATE BILL NO. 5097, by Senators Sutherland, Kreidler and Thorsness (by request of State Military Department)

Regarding the state militia.

## MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the following amendments by Senators Sutherland and McCaslin were considered simultaneously and were adopted:

On page 3, line 16, strike ~~"(residing within this state);"~~ and insert "residing within this state."

On page 3, line 33, after "thousand," insert "The organized militia may include persons residing outside the state of Washington."

On motion of Senator Sutherland, the following amendment by Senators Sutherland and McCaslin was adopted:

On page 13, line 17 after "may" strike all material through "appropriate" and insert "terminate the membership of"

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5097.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen,

Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Nelson - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5288, by Senators Metcalf, Vognild, Craswell, Benitz, Barr and Amondson

Providing for the production of salmon smolts by private aquaculturists.

#### MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment be adopted:

On page 1, line 26, after "negotiation," insert "In awarding leases to private contractors, the director shall give preference to nonprofit corporations."

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, a point of parliamentary inquiry, it appears to me that Senator Vognild's amendment is an amendment to the substitute bill and that will then be subject to a striking amendment to remove--"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "That is correct."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to the adoption of the amendment by Senator Vognild on page 1, line 26, to Substitute Senate Bill No. 5288.

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

#### MOTION

Senator Bauer moved that Substitute Senate Bill No. 5288 be referred to the Committee on Ways and Means.

Debate ensued.

#### POINT OF INQUIRY

Senator Warnke: "Senator McDonald, there is a provision in the substitute bill which says, and I think it's Section 2 on the first page, that speaks to any satellite or salmon hatchery which is in a closed--or less than fifty percent of full capacity operation. What is the cost impact for those salmon hatcheries which are under fifty percent? The department takes them above fifty percent to prevent the privatization or closing of the hatchery. Just what would that cost impact be? The last bill was eight hundred seventy-two thousand dollars and I wonder what this substitute bill is?"

Senator McDonald: "Senator Warnke, I would refer you back, once again, to Section 6 that says that they will submit to us the requests for the amount that we will be dealing with. Therefore, if we decide not to do those things, then it will not be a cost and, consequently, shouldn't go to Ways and Means."

Senator Warnke: "I'm still a little confused. Under Section 6, it says, 'Rearing of salmon to it's full potential.' Section 2 speaks to fifty percent, so if I'm in the department and I want to give you a request of one-hundred percent, but at the same time, I just simply spend the money or need the money to go above fifty percent to prevent the privatization, what is the cost impact there?"

Senator McDonald: "I guess I'm not saying this right. Once again Senator Warnke, I believe that Section 6 says it in such a way that if it's going to cost us, they are going to have to come back and get authorization for money in order to

do this. Therefore, it doesn't have a fiscal impact and unless we make the authorization—which is the reason for it going to the Ways and Means Committee in the first place."

Senator Warnke: "I think I understand it now. The department comes to you with a request for full potential and if the Legislature doesn't fund it, then they go ahead and have to give it to someone else to run. I guess that's the way this thing works. Do you have a fiscal note on it at all?"

No answer.

Further debate ensued.

Senators Matson, Nelson and Saling demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bauer to refer Substitute Senate Bill No. 5288 to the Committee on Ways and Means.

The motion by Senator Bauer failed.

#### MOTION

Senator Talmadge moved that the remarks by Senators Vognild and Newhouse regarding the motion to refer Substitute Senate Bill No. 5288 to the Committee on Ways and Means be included in the Journal.

Senator Newhouse objected.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge to include the remarks by Senators Vognild and Newhouse in the Journal.

The motion by Senator Talmadge failed.

#### MOTIONS

Senator Metcalf moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 75.08 RCW to read as follows:

The director shall contract with fishermen's cooperatives or private aquaculturists for the purchase of quality salmon smolts for release into public waters. The intent of private contracting is to explore the opportunities of cooperatively producing more salmon for the public fisheries without incurring additional capital expense for the department. In addition, fishermen's cooperatives and private aquaculturists may be able to produce a higher quality product for less expense than the current department operations.

**NEW SECTION.** Sec. 2. A new section is added to chapter 75.08 RCW to read as follows:

The director shall make available to private contractors, including fishermen's cooperatives, any state-funded salmon hatcheries or satellite facilities which are in a closed or less than fifty percent of full capacity operation. The underutilized facilities shall be made available on an annual basis for contracting to fulfill the purposes of section 1 of this act.

**NEW SECTION.** Sec. 3. A new section is added to chapter 75.08 RCW to read as follows:

Private contracting of salmon smolt production shall be by competitive bidding. The director shall establish the criteria for the contract, which shall include but not be limited to: Species, size of smolt, stock composition, quantity, quality, rearing location, release location, and other pertinent factors.

**NEW SECTION.** Sec. 4. A new section is added to chapter 75.08 RCW to read as follows:

Nothing in this act shall authorize the practice of private ocean ranching. Privately contracted smolts become the property of the state at the time of release.

**NEW SECTION.** Sec. 5. A new section is added to chapter 75.08 RCW to read as follows:

The department shall make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. The priority of providing eggs to contract rearing shall be higher than providing eggs to aquaculture purposes which are not destined for release into Washington public waters.

**NEW SECTION.** Sec. 6. A new section is added to chapter 75.08 RCW to read as follows:

The department shall provide the legislature with budget requests which are necessary to provide sufficient funding to conduct contract rearing of salmon to its full potential.

**NEW SECTION.** Sec. 7. A new section is added to chapter 75.08 RCW to read as follows:

Each contract proposal for private rearing of salmon smolts shall be reviewed by the salmon advisory council and the council shall make a recommendation to the director on each contract proposal.

**NEW SECTION.** Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."



On motion of Senator Vognild, the following amendment to the amendment was adopted:

On page 2, line 11, after "bidding," insert "In awarding leases to private contractors, the director shall give preference to nonprofit corporations."

Debate on the amendment by Senator Metcalf, as amended, ensued.

#### POINT OF INQUIRY

Senator Sutherland: "Senator Metcalf, the only question I have is, if the state of Washington enters into some private contracts for operation of state or federally or otherwise controlled hatcheries, does the state expose itself to any tort liability potential, having private citizens working around facilities that you know that have deep holes in them and all kinds of equipment and machinery?"

Senator Metcalf: "It is my understanding that that would come under the contract. The contractor, who contracts--it's his responsibility to provide that kind of liability for his employees, as would be required on any other kind of contract."

Senator Sutherland: "So, it's your understanding that this would not expose the state to any additional tort liability exposure?"

Senator Metcalf: "That is my understanding."

#### POINT OF INQUIRY

Senator Patterson: "Senator Metcalf, I'm noticing in your amendment that strikes the substitute bill that there is no specific reference to operation of federally-funded hatcheries. Was that an intention of yours or is it implied in this?"

Senator Metcalf: "It is my opinion that the state can't do this without another step. In other words, for federal hatcheries we have to make a special arrangement with the federal government, if we were going to operate them. I would hope that an agreement with the federal government--and I think we should reactivate some of the federal hatcheries that have been shut down--I think that that would take a step to work out and get the permission from the federal government to have state operation of those hatcheries and then they could, in my estimation, follow this procedure. I think that that's a step down the road. I am very much interested in those federal hatcheries that have been shut down and I think that the state can and should work out with the federal government the opportunity to run those hatcheries."

Senator Patterson: "Well, I guess then our discussion might indicate to the department that they should, as soon as possible, start talking to the federal government about the possibility of the state becoming involved, either through a cooperative program or with state funding, of operating some of the abandoned operations that the federal government had originally funded. Some of them are excellent facilities and I think it's extremely foolish of us not to pursue that if the feds not going to continue the operations."

Senator Metcalf: "I totally agree with you, Senator Patterson, and thank you for bringing it up. It is really important that we do urge the department to take this action, because some of those hatcheries that have been closed are immensely valuable to our salmon production."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, not being on that committee, it was my understanding that on the federal hatcheries, there was still a battle over the mitigation funds that are supposed to come in for the raising of salmon. Is that still pending?"

Senator Metcalf: "It is my opinion and this is one thing that I wanted the state to push fully, because I believe it is a federal obligation. Those federal hatcheries were set up as mitigation for dams that were there. It is my belief that this is a federal responsibility and they owe the mitigation funds. I have to say that I'm not sure, I guess, if the federal government doesn't appropriate the money to run the hatcheries--they can walk away from that responsibility. I would think that they would have a legal liability for those mitigation funds, but I don't know for certain."

Senator Rasmussen: "A further question, I think we have a resolution submitted by the Pacific Northwest Power Council. Senator Bottiger asked us to get that resolution passed and send it back to the Congress. Is that in your committee?"

Senator Metcalf: "I think it's in the Rules Committee now. I believe it is. Yes, it has been before the committee."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Metcalf, as amended, to Substitute Senate Bill No. 5288.

The motion by Senator Metcalf carried and the amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "salmon," strike the remainder of the title and insert "and adding new sections to chapter 75.08 RCW."

On motion of Senator Metcalf, the rules were suspended. Engrossed Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5288.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Bauer, Fleming, Moore, Niemi, Rinehart, Stratton, Talmadge, Warnke - 8.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 21, 1989

SB 5098 Prime Sponsor, Senator Benitz: Regulating telecommunication companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Pullen, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5663 Prime Sponsor, Senator McCaslin: Authorizing counties to defend county officials in recall actions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5663 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5680 Prime Sponsor, Senator McCaslin: Deleting obsolete language from the

Revised Code of Washington. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5756 Prime Sponsor, Senator McCaslin: Changing provisions relating to sureties for public works bonds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5767 Prime Sponsor, Senator von Reichbauer: Modifying the procedure for gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5768 Prime Sponsor, Senator von Reichbauer: Revising the requirements for senatorial confirmation of certain gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5850 Prime Sponsor, Senator Johnson: Modifying the contract transactions of funeral establishments. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 21, 1989

SJR 8215 Prime Sponsor, Senator von Reichbauer: Amending the Constitution to provide for special sessions for the purpose of confirming gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 5775.

On motion of Senator Newhouse, Senate Bill No. 5775 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 5991.

On motion of Senator Newhouse, Senate Bill No. 5991 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5933.

On motion of Senator Newhouse, Senate Bill No. 5933 was referred to the Committee on Economic Development and Labor.

MOTION

At 12:01 p.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:21 p.m. by President Pritchard.

At 1:21 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of a Memorial Service for deceased members.

JOINT SESSION

MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard  
Chair: Speaker Pro Tempore John L. O'Brien

INVOCATION

by

The Reverend Richard W. Hart, Master Divinity

THE MADRIGAL SINGERS Olympia High School

Karla Timmerman, Director

*Ah Lovely Springtime* ..... Thomas Morley  
*If I Can Stop One Heart From Breaking* ..... Jean Berger

HARPSICHORD TRIBUTE

by

John P. Sullivan

*Auld Lang Syne* ..... Traditional  
*Largo D-Minor* ..... John P. Sullivan

MEMORIAL TRIBUTE

by

Speaker Pro Tempore John L. O'Brien  
Representative Jean Silver

Speaker O'Brien: "We are assembled today to pay tribute to the lives and services of distinguished former members of the Senate and House of Representatives of the state of Washington who have passed from among us. This is the first occasion that we are paying tribute to former officers of the Senate and House of Representatives who rendered such dedicated service during their careers.

"On behalf of the people of our state, the Fifty-First Legislative Session of the state of Washington conveys its respect to these deceased legislators who once sat in the hallowed Chambers of the House and Senate, like we are doing today, answered roll calls on sometimes critical and perplexing bills, attended committee meetings, and, above all else, served to the best of their abilities in order to make our state a better and more enjoyable place to live. While they have passed to the great beyond, their achievements, records and valued services have been recorded in the Journals of the Senate and House, and are now and forever more a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends, and also share with them on this memorable occasion the fond and happy memories of these legislators, who served beyond their call of duty and responsibilities, and

truly loved the state of Washington. They have left a legacy of dedicated services that will remain forever etched in our hearts, our memories and our legislative records. I will now call the roll of the deceased former members and officers of the Senate and House of Representatives."

## CANDLE SERVICE

## IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us, the Fifty-First Legislative Session of the state of Washington conveys its respects on behalf of the people of our state. May the memory of their dedicated service remain in our hearts.

## In Memory of:

Katherine Y. Allen  
Henry Backstrom  
Samuel Bajema  
Howard T. Ball  
Howard S. Bargreen  
Georgiana Behm  
Stewart Bledsoe  
Wylie W. Brown  
Robert L. Charette  
Arthur E. Cox  
John T. Dootson  
Richard E. Fisch  
Avery Garrett  
Charles A. Gerold  
John A. Goucher  
Frank L. Hatley  
Lew H. Hubbard  
Julia Butler Hansen  
Fred D. Kemp  
Douglas G. Kirk  
John G. McCutcheon  
Donald T. Miller  
James A. Miller  
M. B. Mitchell  
Oliver S. Morris  
Ed Munro  
Florence W. Myers  
Sixten P. Nordenberg  
Ernest Thor Olson  
Richard B. Ott  
Lowell Peterson  
Ralph Purvis  
David Porter Reid  
Lester Robison  
Fred H. Smart  
Vivien Twidwell  
Samuel Vestal  
Thomas Voyce  
Theodore Wilson  
S. W. Wurzburg  
Joseph L. Williams

## Tribute by:

Representative Shirley Hankins  
Representative Karla Wilson  
Representative Lorraine Hine  
Representative Steve Fuhrman  
Senator Larry L. Vogtild  
Representative Richard A. King  
Representative Curtis P. Smith  
Senator Lois J. Stratton  
Senator Dan McDonald  
Senator Leo K. Thorsness  
Representative Marilyn Rasmussen  
Representative Evan Jones  
Senator Marcus S. Gaspard  
Representative Fred O. May  
Representative Maria Cantwell  
Representative Pete Kremen  
Representative Sally W. Walker  
Senator Arlie U. DeJarnatt  
Representative William A. Grant  
Representative Darwin R. Nealey  
Representative P. J. Gallagher  
Senator Patty Murray  
Representative Jim Youngsman  
Representative Michael E. Patrick  
Representative Dick Schoon  
Representative Michael Heavey  
Representative Dennis A. Dellwo  
Representative Mary M. Haugen  
Representative Ruth Fisher  
Representative Eugene A. Prince  
Senator Frank J. Warnke  
Representative Paul Zellinsky, Sr.  
Representative Charles R. Wolfe  
Representative Peter T. Brooks  
Senator Stanley C. Johnson  
Representative Grace Cole  
Senator George L. Sellar  
Senator Patrick R. McMullen  
Senator Linda A. Smith  
Representative Mike Padden  
Representative Simeon R. Wilson

*Distinguished former officers of the  
Senate and House of Representatives*

Ward Bowden  
Fred Hildebrand  
S. R. Holcomb

Senator Al Williams  
Senator Pat Patterson  
Senator A. L. "Slim" Rasmussen

William S. Howard  
Joseph B. Mehan

Senator Irving Newhouse  
Senator Ellen Craswell

Flower Tribute by Members of the Senate and House of Representatives

<i>How Great Thou Art</i> by Stewart K. Hine	Kathy Ward
<i>In The Garden</i> by C. Austin Miles	
<i>Amazing Grace</i> by John Newton	Ralph Munro, Secretary of State
<i>Lord's Prayer</i> by Malotte	Father Joe Maguire, S.J.
Benediction	Father Joe Maguire, S.J.
Echo Taps	9th Infantry Division (M) Band Bugler SSG. Karl Libertore Bugler SPC. Joey Ellis Drummer SSG. Willie Lawrence Fife SSG. Paul Dorwin
Color Guard	I Corps Command Color Guard SGT. Roland Hinkel SGT. Shelby Cheek SPC. Michawl Newsome SPC. Ariel Hernandez

The President of the Senate announced the conclusion of the Memorial Service.

MOTION

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

The Senate was called to order at 2:40 p.m. by President Pritchard.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1989

SB 5155 Prime Sponsor, Senator Wojahn: Providing a business and occupation tax deduction for capital and operation expenses related to child care facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Matson, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5206 Prime Sponsor, Senator Gaspard: Changing provisions relating to the economic and revenue forecast council. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5206 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Matson, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5228 Prime Sponsor, Senator Saling: Modifying guidelines regarding student services and activities fees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Saling, Chairman; Bauer, Smitherman, Stratton.

MINORITY recommendation: Do not pass. Signed by Senators Patterson, Vice Chairman; Cantu, von Reichbauer.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5354 Prime Sponsor, Senator McDonald: Providing for caseload forecasting in the office of financial management. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Matson, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5394 Prime Sponsor, Senator Saling: Revising provisions for tuition fees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton.

Referred to Committee on Ways and Means.

February 21, 1989

SB 5400 Prime Sponsor, Senator Niemi: Regarding mental health systems. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Way and Means.

February 20, 1989

SB 5479 Prime Sponsor, Senator Owen: Establishing two recreational geoduck harvesting areas. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5697 Prime Sponsor, Senator Williams: Creating the heritage commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson.

Referred to Committee on Ways and Means.

February 20, 1989

SB 5709 Prime Sponsor, Senator McMullen: Transferring property from the department of natural resources to Skagit county. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5741 Prime Sponsor, Senator Newhouse: Establishing the educational opportunity grant program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 21, 1989

SB 5987 Prime Sponsor, Senator Benitz: Allowing use of alternative fuels. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5992 Prime Sponsor, Senator Benitz: Requiring the department of agriculture to develop a guide on ethanol and methanol. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

#### MOTION

At 2:41 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 23, 1989.

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



## FORTY-SIXTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Thursday, February 23, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Mark Dickinson and Luke Doyle, presented the Colors. Reverend Coriless Hanson, pastor of St. Andrew's United Methodist Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 21, 1989

SB 5149 Prime Sponsor, Senator von Reichbauer: Increasing student transportation safety. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5326 Prime Sponsor, Senator Nelson: Expanding membership of the transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, McMullen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 22, 1989

SB 5335 Prime Sponsor, Senator Smitherman: Improving state motor vehicle operations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1989

SB 5366 Prime Sponsor, Senator Nelson: Revising administration of public transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, McMullen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5498 Prime Sponsor, Senator Pullen: Revising the governing of a transportation benefit district. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5498 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, McMullen, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1989

SB 5567 Prime Sponsor, Senator McCaslin: Clarifying district court fees. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass. Signed by Senators Madsen, Nelson, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5809 Prime Sponsor, Senator Amondson: Regarding shopping center directional signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5880 Prime Sponsor, Senator Barr: Creating a housing unit excise tax for cemetery districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1989

SJM 8015 Prime Sponsor, Senator Benitz: Asking for a comprehensive national energy policy. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 22, 1989

SJR 8218 Prime Sponsor, Senator McDonald: Amending the Constitution to require a two-thirds vote of the legislature in order to create or increase any state tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Owen.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Niemi, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1989

INITIATIVE TO LEGISLATURE NO. 99 Presidential Preference Primary. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6017 by Senators Warnke and Vognlin

AN ACT Relating to workers' compensation claim files and benefits; amending RCW 51.28.070, 51.32.050, 51.32.060, and 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6018 by Senator Williams

AN ACT Relating to technological developments and information; and adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6019 by Senator Smitherman

AN ACT Relating to research, education, and public service on ocean and coastal resources; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6020 by Senators Talmadge, Kreidler, Williams, Fleming, Warnke, Moore and Murray

AN ACT Relating to comprehensive health care coverage; amending RCW 70.47.010 and 70.47.030; adding a new section to chapter 74.09 RCW; adding new sections to chapter 50.24 RCW; and creating new sections.

Referred to Committee on Health Care and Corrections.

SB 6021 by Senators Rinehart, Bailey, Bauer, Gaspard, Benitz, Bender, Fleming and Metcalf

AN ACT Relating to the development of citizen involvement in providing solutions to societal problems; adding new sections to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 6022 by Senator Conner

AN ACT Relating to enrollment options for school districts; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 6023 by Senators Pullen and Talmadge

AN ACT Relating to the uniform preservation of private business records; and creating a new chapter in Title 40 RCW.

Referred to Committee on Law and Justice.

SB 6024 by Senators Murray and Sutherland

AN ACT Relating to annexation for municipal purposes; amending RCW 35.13.020, 35.13.060, 35.13.125, 35.13.130, 35A.14.020, 35A.14.050, 35A.14.120, and 35.13.165; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW 35.13.025.

Referred to Committee on Governmental Operations.

SB 6025 by Senators Niemi, Warnke, Lee, Smitherman and Murray

AN ACT Relating to employees using video display terminals; and amending RCW 49.17.050.

Referred to Committee on Economic Development and Labor.

SB 6026 by Senator Smitherman

AN ACT Relating to the training fund matching program; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

SB 6027 by Senators Conner, DeJarnatt, Gaspard, Anderson and Vognild

AN ACT Relating to oil spill damage assessment, compensation, and penalties under the state water pollution control act; amending RCW 90.48.315, 90.48.390, 90.48.400, and 90.48.350; adding new sections to chapter 90.48 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6028 by Senators Conner, DeJarnatt, Gaspard, Anderson and Vognild

AN ACT Relating to resource damage assessment under the state water pollution control act; amending RCW 90.48.142, 90.48.390, and 90.48.400; creating new sections; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6029 by Senator Gaspard

AN ACT Relating to actions for death of a child; and amending RCW 4.24.010.

Referred to Committee on Law and Justice.

SB 6030 by Senator Madsen

AN ACT Relating to motor vehicles; and amending RCW 46.37.420.

Referred to Committee on Transportation.

SB 6031 by Senators Nelson, Rasmussen, Talmadge and von Reichbauer

AN ACT Relating to voter registration in driver's licensing facilities; amending RCW 29.07.070, 29.07.080, and 29.07.140; adding new sections to chapter 29.07 RCW; adding a new section to chapter 46.20 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6032 by Senators Benitz, Williams, Barr, Stratton, Metcalf and West

AN ACT Relating to telecommunications; adding a new section to chapter 80.36 RCW; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 6033 by Senators Benitz and Stratton

AN ACT Relating to radioactive affairs; amending RCW 43.200.010, 43.200.015, 43.200.020, 43.200.025, 43.200.050, 43.200.100, 43.200.140, 43.200.144, and 43.200.150; and reenacting and amending RCW 43.200.040.

Referred to Committee on Energy and Utilities.

SB 6034 by Senators Benitz, Williams and Hayner

AN ACT Relating to the energy facility site evaluation council; and amending RCW 43.21F.035, 43.21F.045, and 80.50.030.

Referred to Committee on Energy and Utilities.

SB 6035 by Senator Williams

AN ACT Relating to firearms; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6036 by Senator McCaslin

AN ACT Relating to regulation of rental companies; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6037 by Senators Owen, Smitherman, Warnke and Johnson

AN ACT Relating to parenting; amending RCW 26.09.002, 26.09.004, 26.09.184, 26.09-187, 26.09.191, 26.09.194, 26.09.197, 26.09.255, 26.09.260, 26.09.285, 26.26.130, and 26.26.160; adding new sections to chapter 26.09 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6038 by Senators Matson, Vognild, Sellar, Warnke and Newhouse

AN ACT Relating to the search and rescue fund; and adding new sections to chapter 77.12 RCW.

Referred to Committee on Ways and Means.

SB 6039 by Senators Pullen, Fleming and Talmadge

AN ACT Relating to diverse cultures and languages; and creating new sections.

Referred to Committee on Governmental Operations.

SCR 8409 by Senators Fleming, West, Johnson, Kreidler, Smith, Wojahn and Niemi

Regarding the joint committee on long-term care.

Referred to Committee on Health Care and Corrections.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 24, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## FORTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 24, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Jason Barry and Matt Baydo, presented the Colors. Reverend Coriless Hanson, pastor of St. Andrew's United Methodist Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 23, 1989

SB 5167 Prime Sponsor, Senator Pullen: Revising campaign finance reporting. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5305 Prime Sponsor, Senator Madsen: Providing immunity for equine activities. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1989

SB 5443 Prime Sponsor, Senator von Reichbauer: Making various policy changes in vehicle laws. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, McMullen, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 22, 1989

SB 5472 Prime Sponsor, Senator Nelson: Establishing vessel dealer exemptions to chapter 88.02 RCW. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5650 Prime Sponsor, Senator Pullen: Specifying conditions for the awarding of attorneys' fees. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5710 Prime Sponsor, Senator Owen: Requiring that threshold determination must be completed within fifteen to thirty days. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5798 Prime Sponsor, Senator Rasmussen: Raising the homestead exemption. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Niemi, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5806 Prime Sponsor, Senator Bluechel: Specifying under what conditions the commission shall alter exchange area or territorial boundaries. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 22, 1989

SB 5828 Prime Sponsor, Senator Nelson: Substituting the word improvements, in place of facilities, for use as security for transportation impact fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5926 Prime Sponsor, Senator Benitz: Requiring development of contingency plans relating to the Hanford facility's low-level radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5991 Prime Sponsor, Senator Pullen: Protecting state employees from assaults by juvenile offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5996 Prime Sponsor, Senator Benitz: Authorizing feasibility study of waste management education. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SJM 8011 Prime Sponsor, Senator Metcalf: Requesting that Congress continue to support federal and international greenhouse and sea level use funding. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 10, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Byers, appointed February 10, 1989, for a term ending July 16, 1990, as a member of the Hospital Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

January 24, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Evelyn J. Whitney, appointed January 24, 1989, for a term ending July 16, 1989, as a member of the Hospital Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

February 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne M. Wade, reappointed February 17, 1989, for a term ending September 30, 1992, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.



January 19, 1989

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

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

Robert Yamashita, reappointed January 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

February 17, 1989

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

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

William P. Ellis, reappointed February 17, 1989, for a term ending December 26, 1992, as a member of the Board of Pilotage Commissioners.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

February 17, 1989

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

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

Michael T. Gavin, appointed February 17, 1989, for a term ending December 26, 1992, as a member of the Board of Pilotage Commissioners.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

February 17, 1989

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

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

Amigo Soriano, reappointed February 17, 1989, for a term ending December 26, 1992, as a member of the Board of Pilotage Commissioners.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING

SB 6040 by Senators Murray, Rinehart, Talmadge, Fleming, Moore, Niemi and McMullen

AN ACT Relating to child care services for Washington state employees; amending RCW 41.04.385 and 74.13.090; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6041 by Senator Smitherman

AN ACT Relating to minor or first offenders; and amending RCW 13.40.020.

Referred to Committee on Law and Justice.

SB 6042 by Senator Talmadge

AN ACT Relating to the acquisition of the William O. Douglas property for the establishment of a permanent memorial; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6043 by Senator Smitherman

AN ACT Relating to motor vehicle license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 6044 by Senator Conner

AN ACT Relating to local taxation of gambling activities; and amending RCW 9.46.113.

Referred to Committee on Economic Development and Labor.

SB 6045 by Senators Smith, Hayner, Amondson, Rasmussen, Anderson, Nelson, Owen, Thorsness, Craswell, Metcalf, McDonald, West and Barr

AN ACT Relating to campaign reform; amending RCW 42.17.010, 42.17.020, 42.17.095, 42.17.105, 42.17.130, 42.17.100, 19.09.100, 42.17.125, 42.17.067, 42.17.080, 41.04.230, 44.05.020, and 44.05.090; reenacting and amending RCW 42.17.090; adding a new section to chapter 19.09 RCW; adding a new section to chapter 44.05 RCW; adding new sections to chapter 42.17 RCW; creating new sections; repealing RCW 42.17.135; and providing for submission of this act to a vote of the people.

Referred to Committee on Governmental Operations.

SB 6046 by Senator Smith

AN ACT Relating to unattended children in vehicles; amending RCW 46.61.685; and prescribing penalties.

Referred to Committee on Children and Family Services.

SB 6047 by Senator McCaslin

AN ACT Relating to property taxation; amending RCW 84.40.030; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 6048 by Senator von Reichbauer

AN ACT Relating to HIV testing for coverage under Title 48 RCW; and adding a new section to chapter 70.24 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6049 by Senators Talmadge, West and Moore

AN ACT Relating to individuals receiving community mental health services; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Health Care and Corrections.

SB 6050 by Senator Talmadge

AN ACT Relating to food donation and distribution; and amending RCW 69.80.020 and 69.80.030.

Referred to Committee on Law and Justice.

SB 6051 by Senators Anderson, Cantu, Stratton, Smith, Thorsness, McMullen, Wojahn, Lee and Bailey

AN ACT Relating to encouraging employer involvement in child care facilities development and services; amending RCW 74.13.085; adding new sections to chapter 43.63A RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SJR 8223 by Senator McCaslin

Amending the Constitution to allow current use taxation of certain single family and duplex residences.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9014, Betty Eager, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF BETTY EAGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Fleming, McDonald, Patterson, Sellar, Smith, Talmadge - 6.

Excused: Senator DeJarnatt - 1.

STATEMENT FOR THE JOURNAL

February 24, 1989

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

Dear Gordon:

I missed the vote on Gubernatorial Appointment No. 9014, Betty Eager, Member, Board of Trustees, Olympic Community College District No. 3. I would appreciate it if the Journal could reflect that I was in favor of her appointment and would have voted yes on the nomination.

Thank you.

Sincerely,  
PHIL TALMADGE, State Senator  
34th District

MOTIONS

On motion of Senator Anderson, Senators Sellar and Smith were excused.

On motion of Senator Bender, Senator Fleming was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9027, William Keith Herrell, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF WILLIAM KEITH HERRELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Sellar, Smith - 4.

SECOND READING

SENATE BILL NO. 5175, by Senators Barr, Conner, Patterson, Owen, McMullen, Metcalf, Sellar, Benitz, Anderson, West, Bauer, Warnke and Kreidler

Regarding rural health care training.

MOTIONS

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5175 was substituted for Senate Bill No. 5175 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5175 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5175.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5151, by Senators Wojahn, Rasmussen, Metcalf, Bauer, Vognlid, Warnke and Moore

Extending senior citizen state park passes.

#### MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5151 was substituted for Senate Bill No. 5151 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5151 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5151.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Craswell - 1.

Excused: Senators DeJarnatt, Fleming, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5248, by Senators Bailey, Rinehart, Anderson, Metcalf, Lee, Murray, Craswell, Fleming, Gaspard, Bauer, Wojahn, Nelson, Saling, Sutherland, Rasmussen, Vognlid and McMullen

Increasing penalties for the sale of drugs near schools.

#### MOTIONS

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Sutherland: "Senator Bailey, on page two of the bill, it talks about the fine won't be doubled if the transaction did not take place for profit. Can you help me understand? I mean, most of the drug dealers that we hear about are out there in a profit-making mode and yet the bill talks about there won't be imposed a double penalty if the transaction did not take place for profit. So, can you help me understand? It's on page two, lines 2 and 3. The bill reads, 'or deliver any controlled substance in RCW 69.50.401 sub A for profit.' I'm just puzzled; I'm picturing to myself, a law enforcement officer arresting someone and then asking him the question, 'Now, are you selling this stuff and making a profit or is your overhead such, that you're not making profit?' I'm just confused. Maybe you can help me."

Senator Bailey: "I don't know if I can help you on that. I think if a profit is made, the penalty is imposed. Now, it might be that you may be talking about the section where a person under 18--I don't have my book open now."

Senator Sutherland: "OK, the section does discuss, 'that the double penalty won't imply if no person under 18 was present in the residence or a transaction occurred in a private residence or that'--and a couple of other things. It, also specifically says, 'or delivered any controlled substance for profit.' That seems to be almost out of context with the bill."

Senator Bailey: "Can I get back to you on that?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5248.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### SECOND READING

SENATE BILL NO. 5367, by Senators Nelson and Bender (by request of Legislative Transportation Committee)

Increasing public transportation reporting requirements.

#### MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5367 was substituted for Senate Bill No. 5367 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5367 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, I have the December report of Revenue News that would indicate that King County got one hundred-seven million out of their six-tenths of one percent of the sales tax, Pierce County got twelve million, in

round numbers, Snohomish County got six million and Spokane got eight million. This is all from the sales tax, but the total comes to one hundred fifty-eight million and our book says one hundred-eighty million. Is there additional money that goes into the transit systems?"

Senator Nelson: "Senator Rasmussen, there's a tremendous amount of money that goes into transit systems. There's a good deal of federal money, of course, that comes for the use of capitalization and some special operating areas, such as helping handicapped access to transit systems, but I should point out that King County has that unusual precedent of being the only county that has six-tenths of one percent sales tax. All of the remaining transit districts in the state of Washington are at three-tenths of one percent. Notwithstanding that of course, is that their matching ability to the motor vehicle excise tax is limited to the amount of motor vehicle excise tax collected in the respective county.

"So, there is a ceiling and today, King County Metro virtually matches its proportionate share to the motor vehicle excise tax with the three-tenths of one percent sales tax. The additional three-tenths of one percent sales tax in King County is just plain gravy to subsidize the operating expenses. This body should know that the transit authorities around the state now have an average fare box revenue of approximately nineteen percent of the total operating costs every year. The citizens of the state provide, essentially, eighty-one percent cross-subsidy to the transit districts. You will see other measures addressing this particular issue and I'm glad you brought it to our attention, Senator Rasmussen."

Senator Rasmussen: "Thank you, will this report include how Metro can buy overweight buses and expect them to run on the highways? One further question regarding that, throughout the years, I continually see large bonuses granted to the Metro staff. Will this report that we're expecting from them show what the bonuses were paid for--for excellent operations that they have achieved in Metro? I understand that there is some legislation coming through and your answers will probably reflect that we should make some changes in Metro, so that somebody, someplace watches the fare box."

Senator Nelson: "Senator Rasmussen, yes, there are additional bills that have been introduced that are going to be heard, dealing with the governing of such entities as Metro and other transit districts, but to go to the basis of your first question. Yes, this legislature and the Department of Transportation will now have an oversight capability of knowing such things as Metro and King County buying overweight buses that, by the way, don't pay the weight fees that exist today nor would they be subject to any increase in the weight fees that have been proposed by the Governor. In addition, they essentially are not, or we aren't as a body, getting any report on any of the other operating efficiencies or detractions and this will be our first time to do that. The Legislative Transportation Committee will obtain that information via this report that will be established and presented to the Department of Transportation."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5367.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Fleming, Owen, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5092, by Senators Lee and Talmadge

Pertaining to the sale of water district property.

The bill was read the second time.

## MOTION

Senator Lee moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 9, after "determines by" strike "((unanimous)) a majority" and insert "unanimous"

On page 1, line 14, after "value" and before the period insert ": PROVIDED FURTHER, That only a majority vote is required to sell personal property of less than twenty-five thousand dollars in value"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Lee on page 1, lines 9 and 14, to Senate Bill No. 5092.

The motion by Senator Lee failed and the amendments were not adopted on a rising vote.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5092 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Bender, Senator Conner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5092.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Rinehart, Saling, Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 36.

Voting nay: Senators Lee, Murray, Niemi, Pullen, Rasmussen, Smitherman, Sutherland, Warnke, Wojahn - 9.

Excused: Senators Conner, DeJarnatt, Fleming, Sellar - 4.

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

## SECOND READING

SENATE BILL NO. 5181, by Senators West, Conner, Patterson, Sellar, McMullen, Barr, Metcalf, Vognild, Benitz, Anderson, Bauer and Niemi

Providing for standardization of nurse training and nurse education course content.

## MOTIONS

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rinehart: "Senator West, is there money included to the HEC Board for the accomplishment of this study?"

Senator West: "No, there is not."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5181.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, DeJarnatt, Fleming, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5138, by Senators Nelson and Bender

Specifying inspection fees for vehicles previously registered in other states or countries.

## MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5138 was substituted for Senate Bill No. 5138 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5138 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5138.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Sutherland - 1.

Absent: Senator Matson - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5328, by Senators Bluechel, Lee, Smitherman and Warnke (by request of Director of Trade and Economic Development)

Revising provisions for the community economic revitalization board.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 2, after line 24, insert the following:



"Sec. 2. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 58, chapter 466, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Destination tourist resort" means a master planned tourism and recreation complex that:

(a) Is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area;

(b) Has elements that typically attract visitors for extended stays of two days or more;

(c) Includes: (i) Lodging facilities; (ii) eating and drinking establishments; and (iii) recreation and tourism amenities; and

(d) Is generally located away from densely populated areas.

(5) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

((5)) (6) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

((6)) (7) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

((7)) (8) "Local government" means any port district, county, city, or town.

((8)) (9) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

((9)) (10) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

((10)) (11) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter."

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 2 of the title, after "43.160.060" insert "and 43.160.020"

#### MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5328 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Lee, I understand how this bill could be of benefit, for example, in the case of Early Winters or similar destination tourism resorts. As you know, there is a very controversial project that's being proposed, I believe, up in east King County by the Weyerhaeuser Corporation, for the development of a large facility in and near Snoqualmie Falls--in that area of east King County. Am I correct in reading this bill that it would permit monies to go to King County for assistance to Weyerhaeuser's project in that part of the county?"

Senator Lee: "Senator Talmadge, I do not believe it would do so, because of the definition which we adopted in the amendment. One of the requirements, and they are all required, not just one of them, is that it's generally located away from densely populated areas. In my opinion, that particular location is not located away from densely populated areas and would not qualify."

Senator Talmadge: "I guess Senator Lee, the follow-up question to that is, when we say a project is generally located away from densely populated areas, how far away is away?"

Senator Lee: "Senator Talmadge, I think that is exactly the kind of question for which we have a CER Board on which legislators sit, as well as people from all

across the state. We had some concerns that we wanted to be sure that this was targeted to those areas that really had the need--the reason we put together the definition. It's the definition that's now used, in fact, in the Department of Community Development when they're considering some of the kinds of assistance to distressed and rural areas."

Senator Talmadge: "Just to confirm again, your understanding is the facility like the one in east King County for Weyerhaeuser, would not qualify as being sufficiently away from densely populated areas to meet the test that's set forth in this bill?"

Senator Lee: "That is my opinion--that anything within a two hour drive would probably not qualify."

#### MOTION

On motion of Senator Warnke, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5328.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Niemi - 1.

Absent: Senator Moore - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Rinehart, Sellar - 5.

ENGROSSED SENATE BILL NO. 5328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5059, by Senators Smith, Rasmussen, Metcalf, Benitz, Amondson, Anderson, Thorsness and Sutherland

Providing for a steelhead punchcard for persons under age fifteen.

The bill was read the second time.

#### MOTION

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 8, strike "fifteen" and insert "((fifteen)) five"

On page 1, beginning on line 13, after "(4)" delete all material through "(5)" on line 19, and insert "((Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5)))"

On page 1, line 23, strike "(6)" and insert "(5)"

On page 1, line 26, strike "(((6))) (7)" and insert "(6)"

On page 1, line 29, strike "(((7))) (8)" and insert "(7)"

#### POINT OF ORDER

Senator West: "Mr. President, I would like to raise the issue of scope and object. The underlying bill deals with a specific class of people in the state. It makes no mention of anybody beyond that class of people. That class of people would be those people under the age of fifteen. The effect of the amendment would be to broaden the bill by expanding that class of people and so it might fit within the scope, but certainly is not within the object of the bill."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Sutherland, is this a request of the department?"

Senator Sutherland: "No, Senator Rasmussen, this is not a request of the department."

Further debate ensued.

## POINT OF INQUIRY

Senator Anderson: "Senator Sutherland, I know that you are on the Natural Resources Committee and for the benefit of those of us who were not on the committee and did not have this discussion previously, were these amendments offered in committee?"

Senator Sutherland: "No, Senator Anderson, they weren't."

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5059 was deferred.

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

SENATE BILL NO. 5087, by Senators Bender, Warnke, Rasmussen, Vognild, Owen and Conner

Dealing with game and game fish.

## MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5087 was substituted for Senate Bill No. 5087 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5087 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5087.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5087 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, DeJarnatt, Fleming, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5379, by Senators Hansen, Newhouse, Barr, Benitz, Hayner, Patterson, Matson, Stratton, Bauer and West

Requiring a member from eastern Washington on the tax appeals board.

## MOTIONS

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5379 was substituted for Senate Bill No. 5379 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5379 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Moore: "Senator Hansen, will the member from the east side be required to be as qualified as the ones from the west side?"

Senator Hansen: "Well I don't—I think that appointment comes from the Governor's office and some of the appointments I've seen in the past and in the present, I've questioned them, too. I think it's the Governor's option to who he wants to pick and what part he wants to pick it from. I don't have anyone in mind. I just think it's legal justification that we have somebody from our side of the state, qualified or unqualified."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5379.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5379 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Voting nay: Senators Gaspard, Moore - 2.

Absent: Senator Williams - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5126, by Senators Benitz, Williams, Bluechel, Owen, Nelson, Stratton, Sutherland and Metcalf

Amending the provisions for a surveillance fee for low-level radioactive waste disposal.

## MOTIONS

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 5126 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5126.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Absent: Senator Williams - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

February 23, 1989

SB 5129 Prime Sponsor, Senator McCaslin: Limiting the authority of the state board of health or a local board of health to prohibit on-site sewage systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5131 Prime Sponsor, Senator McCaslin: Providing a limitation on the raising of local improvement district assessments. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5135 Prime Sponsor, Senator McCaslin: Limiting the authority of a board of health or health department to require property owners to participate in a local improvement district in order to obtain on-site sewage system permits. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5348 Prime Sponsor, Senator Owen: Relating to the regulating of fishing. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Amondson, Vice Chairman; Barr, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1989

SB 5452 Prime Sponsor, Senator Nelson: Raising vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5690 Prime Sponsor, Senator West: Changing provisions relating to the motor vehicle fuel tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Hansen, McMullen, Madsen, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5847 Prime Sponsor, Senator Barr: Providing a business and occupation tax deduction for amounts by political subdivisions to independent contractors who provide refuse collection services. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Referred to Committee on Ways and Means.

February 23, 1989

SB 5874 Prime Sponsor, Senator Wojahn: Providing for a maritime commemorative observance. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5891 Prime Sponsor, Senator Barr: Revising provisions on water resource policy. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5895 Prime Sponsor, Senator Barr: Permitting farm vehicles licensed on a monthly basis to purchase trip permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman, Nelson, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SJM 8003 Prime Sponsor, Senator Conner: Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Conner, Hansen, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SJR 8210 Prime Sponsor, Senator Barr: Modifying the Constitution to allow for entities engaged in water sale or distribution to undertake conservation. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 5059 and the pending amendments by Senator Sutherland on page 1, lines 8, 13, 23, 26 and 29, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Senate Bill No. 5059 is a measure providing a steelhead punchcard for persons under age fifteen.

"The amendments proposed by Senator Sutherland, reduce the existing fee for steelhead punchcards from \$15 to \$5 for all fishermen.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senator Sutherland on page 1, lines 8, 13, 23, 26 and 29 to Senate Bill No. 5059 were ruled out of order.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 27, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## FIFTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 27, 1989

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators DeJarnatt, Fleming, Patterson, Smith and Sutherland. There being no objection, the President Pro Tempore excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Diane Dunham and Matthew Munson, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 23, 1989

SB 5054 Prime Sponsor, Senator Rinehart: Establishing the Washington state minority teacher recruitment program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5055 Prime Sponsor, Senator Rinehart: Providing for a comprehensive health education program in public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1989

SB 5137 Prime Sponsor, Senator Johnson: Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules.

February 23, 1989

SB 5350 Prime Sponsor, Senator Newhouse: Providing for appointment of mental health commissioners. Reported by Committee on Law and Justice



MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5353 Prime Sponsor, Senator Johnson: Revising provisions for continued service credit for disabled law enforcement officers and fire fighters. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5418 Prime Sponsor, Senator Johnson: Altering pension funding. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5469 Prime Sponsor, Senator Nelson: Revising record release criteria for alcoholism treatment facility patients. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5499 Prime Sponsor, Senator von Reichbauer: Requiring motor vehicle liability insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5499 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5503 Prime Sponsor, Senator Patterson: Establishing the Cherberg scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5516 Prime Sponsor, Senator Wojahn: Regarding the disabilities land trust. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5516 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5518 Prime Sponsor, Senator Benitz: Creating the energy efficiency account. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5518 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Owen, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5531 Prime Sponsor, Senator Gaspard: Revising provisions for the award for excellence in education program. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1989

SB 5537 Prime Sponsor, Senator Saling: Authorizing the state to collect from prisoners the cost of their care and maintenance. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5547 Prime Sponsor, Senator Smith: Regarding payment of jail processing costs by criminal defendants. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5547 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5633 Prime Sponsor, Senator Moore: Establishing a foreign language pilot program for elementary schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5672 Prime Sponsor, Senator Lee: Reinstating salary support for school food service employees. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1989

SB 5689 Prime Sponsor, Senator von Reichbauer: Regulating industrial insurance premium investments. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5714 Prime Sponsor, Senator Benitz: Increasing the building code council fee on building permits. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Stratton, Williams.

Referred to Committee on Ways and Means.

February 23, 1989

SB 5758 Prime Sponsor, Senator Bailey: Providing for an educational research center and the development of a field-based teacher preparation model. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1989

SB 5759 Prime Sponsor, Senator Bailey: Establishing a school breakfast program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5772 Prime Sponsor, Senator West: Regarding out-of-state pharmacies. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5772 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5790 Prime Sponsor, Senator von Reichbauer: Regulating the sale of loan servicing. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5790 be substituted therefor and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5810 Prime Sponsor, Senator Barr: Modifying responsibility for hazardous material incidents. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5824 Prime Sponsor, Senator Johnson: Revising the provision for payment of certain health care services. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5897 Prime Sponsor, Senator West: Regarding alcohol and drug treatment. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5897 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5927 Prime Sponsor, Senator Benitz: Prohibiting the state from paying meeting costs for other compact member states. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5927 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5929 Prime Sponsor, Senator Johnson: Providing a minimum retirement allowance for members of the public employees' and teachers' retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5948 Prime Sponsor, Senator Benitz: Extending the period for conservation investments. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5948 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5953 Prime Sponsor, Senator Pullen: Including licensed drivers on jury lists. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5953 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5975 Prime Sponsor, Senator Saling: Providing for higher education access. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 24, 1989

SB 6032 Prime Sponsor, Senator Benitz: Requiring the utilities and transportation commission to study the feasibility of eliminating multiparty lines and mileage charges. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 23, 1989

SJR 8219 Prime Sponsor, Senator McDonald: Amending the Constitution to create an emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Smith.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Niemi, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 24, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1049,

ENGROSSED HOUSE BILL NO. 1062,

ENGROSSED HOUSE BILL NO. 1077,

ENGROSSED HOUSE BILL NO. 1081,  
 ENGROSSED HOUSE BILL NO. 1082,  
 ENGROSSED HOUSE BILL NO. 1109,  
 HOUSE BILL NO. 1177,  
 HOUSE BILL NO. 1215,  
 ENGROSSED HOUSE BILL NO. 1231,  
 HOUSE BILL NO. 1282,  
 ENGROSSED HOUSE BILL NO. 1330,  
 ENGROSSED HOUSE BILL NO. 1438,  
 HOUSE BILL NO. 1629, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6052 by Senators McDonald, Gaspard, Hayner, Smitherman, Smith, Vognild, Metcalf, Wojahn, Thorsness, Stratton, Johnson, Anderson and Owen

AN ACT Relating to the taxation of adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020; reenacting and amending RCW 82.12.010; and creating a new section.

Referred to Committee on Ways and Means.

SB 6053 by Senator Williams

AN ACT Relating to economic diversification; amending RCW 43.63A.078, 43.168.010, 43.168.020, and 43.168.130; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6054 by Senator Moore

AN ACT Relating to the minimum qualifications for renewal of a real estate salesperson's license; and amending RCW 18.85.095.

Referred to Committee on Economic Development and Labor.

SB 6055 by Senators Benitz, Owen, Patterson and Sellar

AN ACT Relating to motor vehicles when transporting unprocessed or unmanufactured agricultural commodities, excluding livestock and forest products, from points of production to warehouses, storage points, packers, fresh shippers, processors, or brokers and when transporting processed agricultural commodities, excluding livestock and forest products, from warehouses, storage points, packers, fresh shippers, processors, or brokers to the first point of sale; and amending RCW 81.80.010 and 81.80.040.

Referred to Committee on Transportation.

SB 6056 by Senators Pullen and Owen

AN ACT Relating to court transcripts; and amending RCW 2.32.240.

Referred to Committee on Law and Justice.

SB 6057 by Senators Murray, Bender, Warnke, Owen, McMullen, Williams, Smitherman, Kreidler, Sutherland, Talmadge, Niemi, Fleming, Moore, Lee, Vognild, Rasmussen, Conner, Stratton, Bailey, Gaspard, Hansen, Wojahn, Bauer, Madsen, Metcalf, Rinehart and Johnson

AN ACT Relating to the education of homeless children; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 6058 by Senators Fleming and Talmadge

AN ACT Relating to minority and women's business enterprises; and amending RCW 39.19.010 and 39.19.030.

Referred to Committee on Economic Development and Labor.

SB 6059 by Senators Bailey and Rinehart

AN ACT Relating to common school construction; amending RCW 84.04.140, 84.52.043, and 84.52.050; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Education.

SB 6060 by Senators McCaslin, Johnson, Gaspard, Moore and West

AN ACT Relating to no-fault automobile insurance; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6061 by Senators Benitz, Stratton and Bluechel

AN ACT Relating to radioactive materials and waste transportation; adding new sections to chapter 46.48 RCW; and making appropriations.

Referred to Committee on Energy and Utilities.

SB 6062 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

SB 6063 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

SB 6064 by Senator Bailey

AN ACT Relating to vocational education.

Referred to Committee on Education.

SB 6065 by Senator Bailey

AN ACT Relating to vocational education.

Referred to Committee on Education.

SB 6066 by Senator Bailey

AN ACT Relating to the teaching profession.

Referred to Committee on Education.

SB 6067 by Senators Anderson, Smith and Bailey

AN ACT Relating to child care.

Referred to Committee on Children and Family Services.

SB 6068 by Senators Smith and Anderson

AN ACT Relating to child care.

Referred to Committee on Children and Family Services.

SB 6069 by Senator Smith

AN ACT Relating to prenatal care for women and children.

Referred to Committee on Children and Family Services.

SB 6070 by Senators Bailey and Rinehart

AN ACT Relating to state basic education program apportionment.

Referred to Committee on Education.

SB 6071 by Senator Bailey

AN ACT Relating to school construction.

Referred to Committee on Education.

SJR 8224 by Senators Bailey and Rinehart

Regarding the school construction fund.

Referred to Committee on Education.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

- EHB 1049 by Representatives Locke, Inslee, Appelwick, P. King and Wineberry  
Relating to permitting prosecutors to perform certain legal services.  
Referred to Committee on Law and Justice.
- EHB 1062 by Representatives Appelwick, Padden, Inslee, Tate, Jacobsen and P. King (by request of State Military Department)  
Revising provisions in the Washington code of military justice.  
Referred to Committee on Law and Justice.
- EHB 1077 by Representatives Ebersole, Crane, Walk, Dellwo, Haugen, Todd, Smith, Gallagher, O'Brien, Brough, Ballard, Rector, Heavey, Jones, D. Sommers, Ferguson, Wineberry, H. Myers, G. Fisher, Miller, Phillips and Valle  
Modifying requirements for curb ramps for handicapped persons.  
Referred to Committee on Governmental Operations.
- EHB 1081 by Representatives Padden, Appelwick, Dellwo, Rayburn, Rector, Heavey, Basich, Kremen, Jones, Winsley, P. King, Moyer, Silver, Inslee, Wineberry, H. Myers, Patrick, Miller, Wolfe, Youngsman, Walker, Van Luven, Sprengle, Nealey, Rasmussen, Brough, May, Brumsickle, Ballard and Anderson (by request of Sentencing Guidelines Commission)  
Restricting release of persons convicted of vehicular homicide or assault.  
Referred to Committee on Law and Justice.
- EHB 1082 by Representatives Padden, Appelwick, Dellwo, Rector, Heavey, P. King, R. Meyers, H. Myers, Wolfe, Ballard and Anderson (by request of Sentencing Guidelines Commission)  
Establishing seriousness levels for unranked felonies.  
Referred to Committee on Law and Justice.
- EHB 1109 by Representatives O'Brien, McLean, Anderson, Wineberry, Betrozoff, G. Fisher, R. Fisher, Sayan, Wang, Pruitt, Baugher, Winsley, P. King, Kremen, H. Meyers, Brumsickle, Rasmussen, Van Luven and Tate  
Dealing with voter registration for high school students.  
Referred to Committee on Education.
- HB 1177 by Representatives Nelson, Miller, Jacobsen and Silver (by request of Washington State Energy Office)  
Extending utility lending of credit to equipment.  
Referred to Committee on Energy and Utilities.
- HB 1215 by Representatives Appelwick and Padden  
Discusses variable interest rates in relation to the uniform commercial code.  
Referred to Committee on Law and Justice.
- EHB 1231 by Representatives R. King, S. Wilson, Hargrove and Fuhrman  
Modifying procedures regarding disposal of skins and furs.  
Referred to Committee on Environment and Natural Resources.
- HB 1282 by Representatives Walk, Schmidt and Baugher  
Defining motor freight forwarders and brokers.  
Referred to Committee on Transportation.



EHB 1330 by Representatives Walk, Schmidt, R. Meyers, Kremen, R. Fisher, Walker, Youngsman, S. Wilson, Winsley, Braddock, Brough, Raiter, Schoon, Pruitt and Spanel (by request of Director of County Road Administration Board)

Changing provisions relating to ferry operation.

Referred to Committee on Transportation.

EHB 1438 by Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jacobsen, Jones, Winsley and Walk (by request of Legislative Transportation Committee)

Increasing public transportation reporting requirements.

Referred to Committee on Transportation.

HB 1629 by Representatives Vekich, Patrick, Cole, Locke, Appelwick, Anderson, Winsley, Leonard, Prentice, R. King, Rector, Wineberry, Scott, Jacobsen, Belcher, Cooper, Pruitt, Wang, Nutley, Phillips, K. Wilson, Cantwell, Valle, Brekke, Fraser, Nelson, P. King, O'Brien, Dellwo, Basich, Saryan, Ebersole, Rust, R. Fisher and Sprenkle (by request of Employment Security Department)

Revising unemployment compensation provisions for agricultural labor.

Referred to Committee on Agriculture.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9015, Joseph P. Enbody, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF JOSEPH P. ENBODY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Fleming, Patterson, Smith, Sutherland - 4.

Excused: Senator DeJarnatt - 1.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9022, Joyce A. Gillie, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF JOYCE A. GILLIE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

There being no objection, the Senate resumed consideration of Senate Bill No. 5059, deferred on second reading February 24, 1989.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5059 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5059.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5059, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5041, by Senators Hayner, Madsen, McCaslin, Thorsness, Smith, Rasmussen, von Reichbauer and Amondson (by request of Department of Corrections)

Permitting department of corrections to monitor inmate telephone calls.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5041 was substituted for Senate Bill No. 5041 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5041 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

At 10:28 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pro Tempore Bluechel.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5041, deferred on third reading before the Senate went at ease.

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Thank you, Mr. President, a point of inquiry. The content of this bill is, I think good, and probably something we should do, but I feel duty bound to raise a question on the bill. As I look at the book here, I see a fiscal note of one hundred seventy-six thousand five hundred and fifty-eight dollars. As I look at the analysis calendar here, I see that the bill went through the Senate Committee on Health Care and Corrections. I do not see that the bill was ever reviewed by the Ways and Means Committee and I raise that question."

Senator Hayner: "You're right, it did not go to Ways and Means and it does have a cost to it. If you feel that this is something that should go--I think it's going to save some money actually--because we will be able to stop some of the crime that is going on as a result of this. So, you know it does have a initial cost, but I think the long-range effect of it is actually to cut down on some of these things."

Senator Vognild: "Thank you, Mr. President, if the decision of the body is such that the fiscal note, in this case, will not be reviewed because we disagree with it, if that's the criteria we use, then I absolutely agree with that criteria and I probably will raise it at a later date."

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5041 was deferred.

## SECOND READING

SENATE BILL NO. 5440, by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

Regulating tow trucks.

The bill was read the second time.

## MOTION

Senator Vognild moved that the following amendment be adopted:

On page 11, line 20, after "agency" insert ", and shall inform the owners of the identity of the person or agency authorizing the impound"

## POINT OF INQUIRY

Senator Nelson: "Senator Vognild, just to clarify for the record, would your amendment be necessary or would this procedure be necessary if the lot where an illegally parked vehicle already had displayed a sign that said, 'Your vehicle will be impounded if you do not have permission to be here,' and then it normally has the name of the parking lot owner and the name of the tow truck company that would tow your vehicle away. Would that suffice for the purposes of the intent of this amendment?"

Senator Vognild: "Yes, Senator Nelson, it would. That, in itself, would be an identity of where the authorization came from.

Senator Nelson: "Thank you."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 11, line 20, to Senate Bill No. 5440.

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

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5440 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5440.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5440 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5440, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Talmadge: "Thank you, Mr. President, I'm speaking on a point of personal privilege. Members of the Senate, I am the prime sponsor of Senate Bill No. 5844, which deals with the issue of assault weapons. The chair of the Senate Law and Justice Committee indicated that at high noon on Monday I was obligated to come forward with a petition to discharge that bill, in effect, from the committee. In

order to have the bill to be considered, I had to obtain the signatures of six members of the committee. It is clear that I'm not going to have the opportunity to get six signatures to have the issue considered. I have the signatures of three members of the committee. I have the signatures of nine other members of the Senate and I invite any other members of the Senate who are concerned about the issue of assault weapons to join in signing this petition to request that the Senate Law and Justice Committee consider the issue.

"If indeed the people are concerned about the issue, precisely of military style assault weapons, being used illicitly in the state of Washington, my substitute amendment was designed to address that question. It was designed to address the concerns that were raised in the committee, and if people are, in fact, interested in signing this petition, I have it here and available for your consideration. If there is a possibility, I think the Senate should clearly consider this issue at some future date, if not now. The issue of military style assault weapons like Uzi, Avtomat Kalashnikov, and certainly the AK-47, about which we've also already heard, are serious issues that this body should take up."

#### SECOND READING

SENATE BILL NO. 5464, by Senators von Reichbauer, Moore, Johnson, Gaspard and McCaslin

Changing provisions relating to boxing and wrestling.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5464 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5464.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5464 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Meicall, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5464, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8631

by Senators Smitherman, Rasmussen and Gaspard

WHEREAS, The health and future welfare of the citizens of this state are interdependent; and

WHEREAS, February 27, 1989, is designated as the second Legislative Fitness Day in recognition of the importance of physical fitness; and

WHEREAS, To heighten our awareness of the importance of physical fitness the Washington Alliance of Health, Physical Education, Recreation and Dance has volunteered to perform a variety of fitness screening and assessment services for members of the Legislature and legislative employees; and

WHEREAS, A day of physical fitness recognized as such by the Legislature will serve to promote the public's awareness of the importance of physical fitness and good health practices;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the twenty-seventh day of February, 1989, be designated as "Legislative Fitness Day"; and

BE IT FURTHER RESOLVED, That all appropriate state agencies are encouraged to promote public awareness of the importance of physical fitness and good health practices.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced members of the Washington Alliance for Health, Physical Education, Recreation and Dance from Gig Harbor, Washington, who were seated in the gallery.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 24, 1989

SB 5006 Prime Sponsor, Senator Lee: Providing for cash deposit to effectuate vessel dealer registration. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5006 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5648 Prime Sponsor, Senator Smitherman: Authorizing creation of a federation of Washington ports. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5648 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 24, 1989

SCR 8404 Prime Sponsor, Senator Anderson: Creating the joint select fair competition review committee. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8404 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Matson, Saling, Smitherman, West.

Passed to Committee on Rules for second reading.

#### MOTIONS

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

On motion of Senator Newhouse, the use of the Senate Chamber for the Thirty-second District night on March 9, from 7:00 p.m. to 9:30 p.m. was granted.

On motion of Senator Newhouse, the use of the Senate Chamber for the Thirty-seventh District night on March 21, from 7:00 p.m. to 9:30 p.m. was granted.

MOTION

On motion of Senator Vognild, the three Standing Committee assignments of Senator DeJarnatt will be temporarily reassigned.

EDITOR'S NOTE: See temporary assignments on 51st day, February 28, 1989, and 57th day, March 6, 1989.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 28, 1989.

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

## FIFTY-FIRST DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 28, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Melissa Dunham and Brad Meacham, presented the Colors. Reverend Heigo Ritsbek, associate pastor of the Methodist Church of Tallinn, Estonia, U.S.S.R., and a guest of former Senator Hal Zimmerman, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 27, 1989

SB 5020 Prime Sponsor, Senator Metcalf: Promoting certain aquacultural practices. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5020 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5093 Prime Sponsor, Senator Lee: Establishing an alcohol server education program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, West.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5161 Prime Sponsor, Senator Stratton: Regarding abuse or neglect of vulnerable adults. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

SB 5166 Prime Sponsor, Senator Pullen: Regulating political gifts and public office funds. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5197 Prime Sponsor, Senator Pullen: Broadening the definition of executive state officer. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

February 27, 1989

SB 5230 Prime Sponsor, Senator Saling: Establishing branch campuses of the University of Washington and the Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5240 Prime Sponsor, Senator Lee: Establishing the Washington council for adult literacy. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5240 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5263 Prime Sponsor, Senator Warnke: Providing for arbitration for unilaterally implemented proposals. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5271 Prime Sponsor, Senator Pullen: Allowing the death penalty for certain drug offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Rasmussen, Thorsness.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Rinehart.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5293 Prime Sponsor, Senator Conner: Establishing college classes in Clallam or Jefferson county. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5293 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton.



Passed to Committee on Rules for second reading.

February 24, 1989

SB 5307 Prime Sponsor, Senator Anderson: Creating additional requirements for contractor advertising. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5308 Prime Sponsor, Senator Pullen: Revising criminal procedure as it relates to collateral attack and judgments. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Thorsness.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5325 Prime Sponsor, Senator Lee: Establishing the Washington employment futures program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Warnke, West.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5411 Prime Sponsor, Senator Smith: Providing for aid to minor parents. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5411 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Stratton.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5412 Prime Sponsor, Senator Pullen: Regarding the indeterminate sentencing review board. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Madsen, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5474 Prime Sponsor, Senator Newhouse: Requiring testing and certification of English language interpreters in court. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman;

Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5488 Prime Sponsor, Senator Barr: Changing penalties and procedures for theft of livestock. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5495 Prime Sponsor, Senator Bender: Reducing insurance rates for persons taking a defensive driving course. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5525 Prime Sponsor, Senator Craswell: Regarding foster care. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5525 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5561 Prime Sponsor, Senator Barr: Assisting fin fish culture facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5624 Prime Sponsor, Senator Craswell: Regarding high-risk youth. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5624 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5665 Prime Sponsor, Senator Pullen: Providing for medical support enforcement. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5666 Prime Sponsor, Senator Pullen: Changing requirements for establishing paternity. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5669 Prime Sponsor, Senator Metcalf: Implementing salmon enhancement for the year 2000. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Sutherland.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5688 Prime Sponsor, Senator Sutherland: Allowing disabled persons to use power fishing reels. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5702 Prime Sponsor, Senator Lee: Providing for a study of state licensing policies and procedures. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5733 Prime Sponsor, Senator Nelson: Modifying the statute pertaining to trademark registration. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5780 Prime Sponsor, Senator DeJarnatt: Establishing drift area rights on the Columbia river. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: No recommendation. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Kreidler, Owen.

Passed to Committee on Rules with no recommendation.

February 27, 1989

SB 5786 Prime Sponsor, Senator Owen: Relocating certain harbor lines.  
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5822 Prime Sponsor, Senator Cantu: Reforming prevailing wage statutes.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Referred to Committee on Ways and Means.

February 24, 1989

SB 5827 Prime Sponsor, Senator Barr: Providing pet identification and certification procedures to minimize theft. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5832 Prime Sponsor, Senator Thorsness: Creating the omnibus alcohol and controlled substance act of 1989. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5832 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Madsen, Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Rinehart.

Referred to the Committee on Ways and Means.

February 24, 1989

SB 5838 Prime Sponsor, Senator Hansen: Revising agricultural livestock liens.  
Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5842 Prime Sponsor, Senator Lee: Excluding certain institutions from the boarding home definition. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5845 Prime Sponsor, Senator Bailey: Increasing steelhead trout production. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5845 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Sutherland.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5857 Prime Sponsor, Senator Bailey: Authorizing transfer of fixed assets acquired under bonds authorized for facilities for the developmentally disabled. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5857 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5864 Prime Sponsor, Senator Pullen: Changing provisions relating to satisfaction of judgments. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5868 Prime Sponsor, Senator Kreidler: Allowing hunters to use big game permits in January following the year of issuance. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1989

SB 5889 Prime Sponsor, Senator Barr: Authorizing entities furnishing utility services to assist their customers in water conservation. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5907 Prime Sponsor, Senator Hansen: Changing provisions relating to annexations and incorporations involving a portion of a fire protection district. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5913 Prime Sponsor, Senator DeJarnatt: Allowing commercial salmon fishing opportunities in specified rivers. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5947 Prime Sponsor, Senator McMullen: Establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5950 Prime Sponsor, Senator Talmadge: Extending the statute of limitations in child sexual abuse cases. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 6005 Prime Sponsor, Senator Pullen: Protecting the victims of domestic violence. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SJM 8013 Prime Sponsor, Senator Metcalf: Praying that the army corps of engineers install bypass facilities at hydroelectric projects. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 27, 1989

Mr. President:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 27, 1989

Mr. President:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1058,  
HOUSE BILL NO. 1096,  
SUBSTITUTE HOUSE BILL NO. 1115.

SUBSTITUTE HOUSE BILL NO. 1197,  
 HOUSE BILL NO. 1240,  
 SUBSTITUTE HOUSE BILL NO. 1252,  
 HOUSE BILL NO. 1272,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,  
 ENGROSSED HOUSE BILL NO. 1342,  
 SUBSTITUTE HOUSE BILL NO. 1398,  
 ENGROSSED HOUSE BILL NO. 1418, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 6072 by Senator Talmadge

AN ACT Relating to employee political activities; and amending RCW 49.60.180.

Referred to Committee on Law and Justice.

SB 6073 by Senators Fleming, McMullen, Bailey, Smitherman and Rinehart

AN ACT Relating to public housing authorities; amending RCW 35.82.020, 35.82.070, 35.82.080, 35.82.090, and 39.04.010; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Economic Development and Labor.

SB 6074 by Senators West, Stratton, McCaslin and Saling

AN ACT Relating to the repeal of public facilities districts' authority to tax without voter approval and reappropriating funds to public facilities districts; amending RCW 36.100.010, 36.100.020, 36.100.030, and 36.100.040; and authorizing a reappropriation.

Referred to Committee on Ways and Means.

SB 6075 by Senators Bluechel and McDonald

AN ACT Relating to capital improvements at institutions of higher education; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Ways and Means.

SB 6076 by Senators Thorsness, Murray, Barr, Stratton, Metcalf, Saling, McCaslin, Madsen, Warnke, Anderson, Amondson and West

AN ACT Relating to motorcycle public awareness campaign; amending RCW 46.20-.505; adding new sections to chapter 46.20 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SB 6077 by Senator Patterson

AN ACT Relating to powers of public transportation benefit areas; and amending RCW 36.57A.090.

Referred to Committee on Transportation.

SB 6078 by Senators Conner, Moore, Barr and Rasmussen

AN ACT Relating to the abolition and transfer of the departments of wildlife and fisheries; amending RCW 43.17.010, 77.04.020, 77.04.030, and 77.04.055; adding a new section to chapter 43.30 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6079 by Senators Wojahn and Rasmussen

AN ACT Relating to compensatory time for exempt state employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways and Means.

SB 6080 by Senators Smith and Vognild

AN ACT Relating to maternity care of women and children.

Referred to Committee on Children and Family Services.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

- EHB 1058 by Representatives R. Fisher, Hankins, Zellinsky and Jones  
Revising provisions for suspension without pay of a state patrol officer.  
Referred to Committee on Governmental Operations.
- HB 1096 by Representatives Appelwick and May  
Recording of federal liens.  
Referred to Committee on Law and Justice.
- SHB 1115 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Zellinsky, Schmidt, Baugher, Pruitt, Sayan, Haugen, Scott, Vekich, Padden, Cooper and R. Meyers)  
Authorizing purchase of legend drugs by animal control agencies.  
Referred to Committee on Health Care and Corrections.
- SHB 1197 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Brooks, Appelwick, Kremen, Leonard, Phillips, P. King, Braddock, H. Sommers, Ferguson, Moyer, Bristow, Insee and Raiter)  
Regulating the administration of antipsychotic medications.  
Referred to Committee on Health Care and Corrections.
- HB 1240 by Representatives Braddock and Morris (by request of Director of Department of Licensing)  
Changing provisions relating to funeral directors.  
Referred to Committee on Health Care and Corrections.
- SHB 1252 by Committee on Health Care (originally sponsored by Representatives Prentice, Morris, Wood, Patrick, Braddock, D. Sommers, G. Fisher, Day, Leonard, Ebersole and Wineberry) (by request of Department of Licensing)  
Changing provisions relating to registered nurses.  
Referred to Committee on Health Care and Corrections.
- HB 1272 by Representatives Wang, Patrick, Walker, Cole, Leonard, Winsley and P. King  
Defining liquor by the drink for purposes of a class H license.  
Referred to Committee on Economic Development and Labor.
- ESHB 1291 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Brumsickle, Sayan, Wang, K. Wilson, Raiter, Dellwo, Bowman, Day, Rector, Nelson, Todd, Jacobsen and Sprenkle)  
Designating additional components of the scenic river system.  
Referred to Committee on Environment and Natural Resources.
- EHB 1342 by Representatives Dellwo, Locke, Crane, Wineberry, Moyer, Padden, Belcher, H. Myers, Day, Winsley, Rector and Sprenkle (by request of Department of Corrections)  
Allowing department of corrections to petition for review of sentences.  
Referred to Committee on Health Care and Corrections.
- SHB 1398 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Baugher, McLean, Nealey, Rayburn, Insee, Heavey, Doty, Smith, Moyer, Chandler, Betzoff,



Wolfe, Miller, Sayan, Ballard, H. Myers and Jesernig) (by request of Governor Gardner)

Regarding emergency drought relief.

Referred to Committee on Agriculture.

EHB 1418 by Representatives Padden, Moyer, Fuhrman, Wolfe, Day, Crane, Smith, Chandler, Ballard and Tate

Adding provisions on moral nuisances.

Referred to Committee on Law and Justice.

EHCR 4403 by Representatives Rust, Nelson, D. Sommers, R. King, May, Pruitt, Winsley, Anderson, Valle, Sprenkle, Ferguson, G. Fisher, Crane, Wood, Brekke, Insee, Moyer, Brough and Phillips

Creating a Biospheric Task Force.

Referred to Committee on Environment and Natural Resources.

#### MOTION

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

#### MOTIONS

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6031.

On motion of Senator Newhouse, Senate Bill No. 6031 was referred to the Committee on Law and Justice.

#### MOTION

On motion of Senator Vognild, Senator Conner was appointed to temporarily replace Senator DeJarnatt as a member of the Committee on Governmental Operations.

#### MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, March 1, 1989.

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

## FIFTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 1, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Melody Smith and David Roach, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8633

by Senators McMullen, Anderson, Rasmussen and Bailey

WHEREAS, Milk and dairy products are an integral and important part of our state's agricultural economy; and

WHEREAS, Washington has the highest milk production per cow of any state in the country, producing an average of 18,000 pounds of milk per cow per year; and

WHEREAS, March 1, 1989, is Dairy Day at the Legislature and dairy industry leaders from around the state will be at the Capitol on this day to celebrate the contributions of their industry to our state; and

WHEREAS, Washington State Dairy Princess, Keri Smalley, of Bow, our state's current dairy ambassador, along with her alternates, Tiffene Pomeroy of Ferndale and Kirstie Felt of Centralia, grace our chamber with their presence on this day in honor of the dairy industry; and

WHEREAS, The Senate is honored to welcome the 1988-89 Washington State Dairy Family of the Year, the Bill and Margaret Visser family, who have been dairying for twenty-six years near Sumas in Whatcom County; and

WHEREAS, Princess Keri is joined with her family, including her parents John and Cheryl Smalley, her grandparents and her brother, all members of the 1986 Skagit-Island Dairy Family of the year; and

WHEREAS, Keri was Skagit-Island Dairy Princess in 1987-88 and as 1988-89 spokesperson for the Dairy Farmers of Washington and intern for the Washington Dairy Products Commission, she is involved fulltime with advertising and public relations for the dairy industry;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate issues this resolution in recognition of the pride of Washington's dairy industry - its people and its products - and pays tribute to Washington State Dairy Princess Keri Smalley and the Vissers, our state dairy family of the year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Princess Keri and to the Vissers.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced Dairy Princess, Keri Smalley, and the second alternate princess, Kirstie Felt, who were seated on the rostrum. The President also introduced the 1988-89 Dairy Family of the Year, the Bill and Margaret Visser family of Sumas, who were seated in the gallery.

With permission of the Senate, business was suspended to permit Princess Keri to address the Senate.

The honored guests remained on the rostrum to observe the legislative process of the Senate.

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

## REPORTS OF STANDING COMMITTEES

February 28, 1989

SB 5035 Prime Sponsor, Senator Kreidler: Providing for a program of insurance for foster parents. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Passed to Committee on Rules for second reading.

February 24, 1989

SB 5069 Prime Sponsor, Senator Smith: Concerning parental consent for abortions. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Stratton.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, Vogwild. Hold.

February 24, 1989

SB 5162 Prime Sponsor, Senator Stratton: Regarding guardianships. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5162 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vogwild.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5235 Prime Sponsor, Senator Pullen: Creating an interagency criminal justice work group. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5262 Prime Sponsor, Senator Craswell: Revising provisions for private schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

MINORITY recommendation: Do not pass. Signed by Senators Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5275 Prime Sponsor, Senator Lee: Regulating high voltage fields. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass. Signed by Benitz, Chairman; Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5302 Prime Sponsor, Senator Lee: Changing conditions for workers' compensation insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5347 Prime Sponsor, Senator Hayner: Establishing a judicial information system fund. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5615 Prime Sponsor, Senator Bailey: Changing provisions relating to early entrance programs at the University of Washington. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5617 Prime Sponsor, Senator Fleming: Encouraging entering teaching as part of the mathematics, engineering, and science achievement program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5632 Prime Sponsor, Senator Rinehart: Providing for before-and-after school care. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5651 Prime Sponsor, Senator Pullen: Continuing the homicide information and tracking system. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5660 Prime Sponsor, Senator Niemi: Providing grants for child care resource and referral programs. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5660 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5674 Prime Sponsor, Senator Pullen: Changing provisions relating to community placement of sex offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5674 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5736 Prime Sponsor, Senator Bailey: Modifying local funding requirements for school construction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5761 Prime Sponsor, Senator Pullen: Changing provisions relating to disclosure of information by the state patrol. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; Madsen, Nelson, Niemi, Rasmussen, Talmadge.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5762 Prime Sponsor, Senator Pullen: Changing provisions relating to where terms of confinement are served. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5773 Prime Sponsor, Senator Pullen: Limiting the application of the good samaritan law. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Hayner, Madsen, Nelson, Newhouse, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5775 Prime Sponsor, Senator Pullen: Granting community correction officers the authority to carry firearms. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5776 Prime Sponsor, Senator Pullen: Regarding training for law enforcement officers and establishing a fund for drug training. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5871 Prime Sponsor, Senator Lee: Regarding wine retailer's licenses. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5887 Prime Sponsor, Senator DeJarnatt: Allowing boards of county commissioners to appoint representatives to air pollution control authorities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5888 Prime Sponsor, Senator Smith: Extending exemptions for Mt. St. Helens recovery operations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5904 Prime Sponsor, Senator Pullen: Providing for a presiding judge over all

district court judges within a county. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5905 Prime Sponsor, Senator Benitz: Modifying building code council authority. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5930 Prime Sponsor, Senator Rasmussen: Providing for children in need of special services. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5930 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Rasmussen, Thorsness.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5966 Prime Sponsor, Senator Rinehart: Providing the same family leave for adoptive parents as for birth parents. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5968 Prime Sponsor, Senator Vognild: Regarding foster care. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5993 Prime Sponsor, Senator Benitz: Transferring certain lands at Hanford to the department of trade and economic development. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 6012 Prime Sponsor, Senator Lee: Permitting the leasing of surplus school property. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 6034 Prime Sponsor, Senator Benitz: Requiring the energy office to provide the energy facility site evaluation council with assistance, space, and support. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 6061 Prime Sponsor, Senator Benitz: Requiring the state patrol to develop a permanent working group to periodically review guidelines and response capabilities to radioactive materials and waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6061 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 27, 1989

SJR 8222 Prime Sponsor, Senator Bailey: Amending the Constitution regarding the common school construction fund. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Murray, Rinehart.

Referred to Committee on Ways and Means.

#### GUBERNATORIAL APPOINTMENTS

February 28, 1989

GA 9020 JOHN FLUKE, appointed July 1, 1988, for a term ending June 30, 1992, as a member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9043 JAMES E. MASSART, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Shoreline Community College District No. 7. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9044 CORALEE MATTINGLY, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.



## Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9047 CHARLES K. MICHENER, reappointed November 29, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9065 T. W. SMALL, JR., reappointed December 2, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.  
Reported by Committee on Higher Education,

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

Passed to Committee on Rules.

February 28, 1989

GA 9090 VAUGHN A. SHERMAN, reappointed December 16, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9098 PAUL W. SKINNER, appointed January 17, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for the University of Washington.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9099 MARY KAY BECKER, appointed January 18, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Western Washington University.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9101 FIELDING FORMWAY, appointed January 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Whatcom Community College District No. 4.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9102 SUSAN E. GOULD, reappointed January 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9103 PHYLLIS G. KENNEY, reappointed December 19, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Seattle Community College District No. 6.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9104 DONALD L. OLSON, reappointed January 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Spokane Community College District No. 17.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9106 WILLIAM R. WILEY, appointed January 18, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9107 HARVEY VERNIER, reappointed January 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 28, 1989

GA 9109 JOE W. JACKSON, reappointed January 25, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Eastern Washington University.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

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

#### INTRODUCTION AND FIRST READING

SB 6081 by Senators Warnke, Conner, Vognild, Williams, Smitherman, Talmadge, Murray and Rinehart

AN ACT Relating to employer obligations; adding a new chapter to Title 49 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6082 by Senators Bender and Owen

AN ACT Relating to penalties for driving while intoxicated; adding a new section to chapter 46.61 RCW; adding a new section to chapter 43.59 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SJM 8016 by Senator Bailey

Requesting federal funds for asbestos removal.

Referred to Committee on Education.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9024, Mary Ann Grant, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

Senator Conner spoke to the confirmation of Mary Ann Grant as a member of the Board of Trustees for Peninsula Community College.

##### APPOINTMENT OF MARY ANN GRANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 46.

Absent: Senator Williams - 1.

Excused: Senators DeJarnatt, McMullen - 2.

##### MOTIONS

On motion of Senator Anderson, Senator Bluechel was excused.

On motion of Senator Bender, Senator Williams was excused.

##### MOTION

On motion of Senator West, Gubernatorial Appointment No. 9029, Joseph M. Honda, as a member of the Board of Pharmacy, was confirmed.

## APPOINTMENT OF JOSEPH M. HONDA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Absent: Senator Barr - 1.

Excused: Senators Bluechel, DeJarnatt, McMullen, Williams - 4.

## MOTION

On motion of Senator Anderson, Senator Barr was excused.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5041, deferred on third reading February 27, 1989.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5041.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 45.

Excused: Senators Barr, DeJarnatt, McMullen, Williams - 4.

SUBSTITUTE SENATE BILL NO. 5041, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

SENATE BILL NO. 5560, by Senators von Reichbauer, Wojahn, Johnson, Vognild, Moore, Bauer, Warnke, Smitherman, Rasmussen, Sutherland, Fleming, Stratton, Matson, McMullen and Sellar

Providing for insurance coverage for temporomandibular joint disorders.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5560.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 45.

Voting nay: Senator Craswell - 1.

Excused: Senators DeJarnatt, McMullen, Williams - 3.

SUBSTITUTE SENATE BILL NO. 5560, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5386, by Senators Vognild, West and Barr

Requiring hospital certification.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5386 was substituted for Senate Bill No. 5386 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the following amendment was adopted:

On page 4, line 2, after "outpatient" strike ";."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bluechel: "Senator Vognild, when you say that this exempts hospitals that do not have tertiary services or nursing homes in conjunction with them, does this exempt the hospital portion if they have a nursing home or tertiary service or because they have those, does everything concerned with the hospital have to have a certificate of need such as an increase in bed space in the hospital?"

Senator Vognild: "No, Senator, it is my belief, and certainly would be my intent, that the hospital would be under an exemption of certificate of need, the same as any other hospital for services which are exempt. They would simply be required as if they are offering the service of nursing service or home health care service, that service and that service alone would fall under the certificate of need requirement."

Senator Bluechel: "Thank you very much, Senator Vognild, because that does solve the problem. This really takes hospitals out from the certificate of need. It's only the ancillary services they provide that may or may not be under the certificate of need. On that basis, I would very much encourage the body to support the bill."

Further debate ensued.

#### MOTION

On motion of Senator Bender, Senator Bauer was excused.

Further debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator West, the digest on this bill indicates that if you operate a nursing home, that you will be subjected to the certificate of need. Correct?"

Senator West: "That's correct."

Senator Patterson: "In the case of rural hospitals that happen to operate a nursing home that we exempt, because they are rural, what's their situation?"

Senator West: "In the case of nursing home beds, they would be regulated under the certificate of need. In the case of hospital beds, they would be free."

Senator Patterson: "So, it applies only to the operation relating to nursing homes?"

Senator West: "That's right. The theory of the committee was that for those services that are still under the certificate of need in the community--for instance, nursing homes remain under the certificate of need in the community--it would be unfair to free up the hospitals. It would give the hospital an unfair advantage over those free-standing facilities in the community and that applies to home health

care. That applies to nursing homes. That applies to hospice care. That applies to kidney dialysis type of operations across the board."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5386.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5386 and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 36.

Voting nay: Senators Bender, Fleming, Kreidler, Moore, Niemi, Pullen, Rinehart, Smitherman, Talmadge - 9.

Excused: Senators Bauer, DeJarnatt, McMullen, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5386, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Newhouse, the use of the Senate Chamber was granted for District Forty-three on March 16, 1989, from 7:00 to 9:30 p.m.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 6026.

On motion of Senator Newhouse, Senate Bill No. 6026 was referred to the Committee on Ways and Means.

#### MOTION

On motion of Senator Newhouse, Senate Bill No. 5069, which was held on the desk after being read in on the Reports of Standing Committees, was referred to the Committee on Ways and Means.

#### MOTION

At 11:01 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:02 p.m. by President Pritchard.

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

#### REPORTS OF STANDING COMMITTEES

February 28, 1989

SB 5221 Prime Sponsor, Senator Saling: Establishing the advance college payment program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5339 Prime Sponsor, Senator Lee: Creating the Washington economic development finance authority. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5339 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu,

Gaspard, Hayner, Johnson, Lee, Niemi, Owen, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5349 Prime Sponsor, Senator Craswell: Requiring grounds for dissolution of marriage. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5349 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Stratton.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5378 Prime Sponsor, Senator Metcalf: Enacting the wetland management act of 1989. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5404 Prime Sponsor, Senator McDonald: Revising requirements for natural resources conservation areas. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Fleming, Johnson, Lee, Niemi, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5506 Prime Sponsor, Senator Newhouse: Making appropriations for projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5594 Prime Sponsor, Senator Nelson: Allowing prescriptions to be filled across state borders. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5595 Prime Sponsor, Senator Nelson: Allowing distribution of drug samples. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5597 Prime Sponsor, Senator Nelson: Limiting pharmacists' liability. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5620 Prime Sponsor, Senator Gaspard: Redefining developmental disabilities. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5659 Prime Sponsor, Senator Niemi: Establishing new criteria for reimbursed day care by the department of social and health services. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5682 Prime Sponsor, Senator West: Relating to long-term adult care. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5682 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5766 Prime Sponsor, Senator Vognild: Assigning an attorney general and investigator to investigate violations of the guardianship statute. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5812 Prime Sponsor, Senator McCaslin: Prohibiting local regulation of public liability insurance for motor vehicle common carriers to the state. Reported by Committee on Governmental Operations



MAJORITY recommendation: That Substitute Senate Bill No. 5812 be substituted therefor, and the substitute bill do pass. Signed by McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5843 Prime Sponsor, Senator McCaslin: Modifying the regulations for metropolitan park districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5843 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5854 Prime Sponsor, Senator Hayner: Prohibiting the exclusion of inmates from receiving care under the limited casualty program. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5886 Prime Sponsor, Senator West: Modifying confidentiality standards for information regarding sexually transmitted diseases. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5886 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5900 Prime Sponsor, Senator Anderson: Establishing a procedure to expand the electorate of water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Pullen.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5908 Prime Sponsor, Senator Hansen: Extending food tax exemption to not-for-profit fairs. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

February 28, 1989

SB 5935 Prime Sponsor, Senator Williams: Creating the capitol campus design advisory committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5964 Prime Sponsor, Senator Hayner: Providing a use tax exemption for personal property donated to colleges and universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5978 Prime Sponsor, Senator Madsen: Creating a sludge study task force. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5978 be substituted therefor, and the substitute bill be referred to Committee on Rules without recommendation. Signed by Senators Metcalf, Chairman; Benitz, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules with no recommendation.

February 28, 1989

SB 5983 Prime Sponsor, Senator Newhouse: Authorizing the superior court to retain for hearing water rights cases involving more than one thousand named defendants that would otherwise be referred to a referee. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:21 p.m. by President Pritchard.

#### REPORTS OF STANDING COMMITTEES

February 28, 1989

SB 5121 Prime Sponsor, Senator Fleming: Creating a mobile substance abuse awareness program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5148 Prime Sponsor, Senator von Reichbauer: Regulating automobile rental liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5158 Prime Sponsor, Senator Madsen: Establishing a boot camp program for juvenile offenders. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5164 Prime Sponsor, Senator Stratton: Establishing a department of children and family services. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5164 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5195 Prime Sponsor, Senator Barr: Regarding water use efficiency and conservation. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5265 Prime Sponsor, Senator Rasmussen: Regulating certain charter boats on state water. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5298 Prime Sponsor, Senator Craswell: Clarifying qualifications for persons assessing real property. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5309 Prime Sponsor, Senator Bailey: Regarding changing first and second class school districts to large and small school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Craswell, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5315 Prime Sponsor, Senator Bender: Prescribing financial responsibility for vessels that spill oil. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5357 Prime Sponsor, Senator von Reichbauer: Defining insurance education provider and establishing requirements for such providers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5383 Prime Sponsor, Senator Lee: Establishing a program for employment and training planning. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5414 Prime Sponsor, Senator Moore: Regulating investments. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5414 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5450 Prime Sponsor, Senator Talmadge: Providing for education in Pacific Rim languages. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5450 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5454 Prime Sponsor, Senator Wojahn: Creating a department of health. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5454 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5477 Prime Sponsor, Senator Amondson: Mandating stronger enforcement of mitigation agreements protecting fishery resources. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5522 Prime Sponsor, Senator Rinehart: Permitting on-site day care for education employees. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5530 Prime Sponsor, Senator Craswell: Establishing parental rights to review all school materials, be notified of certain classes and activities, and have children excused from classes and programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

MINORITY recommendation: Do not pass as substitute. Signed by Senators Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5550 Prime Sponsor, Senator Lee: Providing a procedure for the classification and valuation of property devoted primarily to low-income housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5550 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5559 Prime Sponsor, Senator Smith: Providing remedies for mobile home park closure. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5559 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5568 Prime Sponsor, Senator von Reichbauer: Adjusting fees charged by county auditors and subagents. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, Conner, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5582 Prime Sponsor, Senator McCaslin: Allowing state agencies to charge interest on debts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5588 Prime Sponsor, Senator Patterson: Exempting vehicles carrying lumber from motor freight carrier regulations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Benitz, Hansen, McMullen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5602 Prime Sponsor, Senator Rasmussen: Establishing procedures for determining jurisdiction in disputed industrial insurance claims and providing for benefits. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5602 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5613 Prime Sponsor, Senator Niemi: Preventing drug traffickers from returning to certain neighborhoods. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5613 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5644 Prime Sponsor, Senator Bluechel: Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Kreidler, Owen, Sutherland.

MINORITY recommendation: Do not pass and do not substitute. Signed by Senators Barr, Benitz, Patterson.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5664 Prime Sponsor, Senator Pullen: Making changes to support enforcement services. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5675 Prime Sponsor, Senator Kreidler: Promoting the reuse of abandoned rail corridors. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5675 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5685 Prime Sponsor, Senator Newhouse: Revising provisions for attorneys' fees in industrial insurance appeals. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5693 Prime Sponsor, Senator Bailey: Abolishing corporal punishment in public schools and banning its further use. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5693 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Lee, Vice Chairman; Benitz, Metcalf.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5694 Prime Sponsor, Senator von Reichbauer: Regulating allowable provisions in construction contracts. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5694 be substituted therefor, and the substitute bill do pass. Signed by von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5698 Prime Sponsor, Senator Pullen: Allowing public employee payroll deductions for political committees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do pass. Signed by McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5713 Prime Sponsor, Senator West: Providing for licensure of medical test sites. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5723 Prime Sponsor, Senator McCaslin: Revising procedures for ballot titles and summaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass. Signed by McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5729 Prime Sponsor, Senator McDonald: Revising provisions for crime victims' compensation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, Smitherman, West.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5737 Prime Sponsor, Senator Bailey: Providing for annual leave for employees of educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5738 Prime Sponsor, Senator Bailey: Changing requirements of student motivation, retention, and retrieval program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5744 Prime Sponsor, Senator West: Requiring specified agencies and departments report to the legislature about a study on educational articulation and career mobility for certain health care professions. Reported by Committee on Health Care and Corrections



MAJORITY recommendation: That Substitute Senate Bill No. 5744 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5746 Prime Sponsor, Senator Sellar: Exempting interstate truck drivers from overtime wage requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5749 Prime Sponsor, Senator Anderson: Authorizing self-insured employers to purchase annuities to pay pension benefits. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5752 Prime Sponsor, Senator Anderson: Revising provisions for medical examinations under industrial insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5754 Prime Sponsor, Senator Anderson: Revising provisions for release of health care information under industrial insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5754 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5755 Prime Sponsor, Senator Benitz: Providing major solid waste reform. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5764 Prime Sponsor, Senator Murray: Providing for workplace literacy. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; McDonald, Matson, Murray, Smitherman, Warnke, Williams.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5795 Prime Sponsor, Senator Lee: Minimizing the involuntary displacement of tenants in federally assisted housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5795 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; McDonald, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5797 Prime Sponsor, Senator Pullen: Clarifying when a city or county may modify the building code. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5802 Prime Sponsor, Senator West: Determining the depreciation base of nursing homes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5803 Prime Sponsor, Senator Smith: Requiring that race or ethnic and cultural heritage be considered in adoptions and foster care placement. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Vognild.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5805 Prime Sponsor, Senator Amondson: Regulating nursing homes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5805 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5808 Prime Sponsor, Senator Lee: Authorizing the use of an irrevocable letter of credit by an employer choosing to self-insure under the industrial

insurance act. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5813 Prime Sponsor, Senator McCaslin: Creating the factory-assembled structures and recreational vehicle account. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Murray, Saling, Smitherman, Warnke, Williams.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5830 Prime Sponsor, Senator Lee: Extending coverage of unemployment insurance to agricultural employees over eighteen years of age. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5830 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5841 Prime Sponsor, Senator Hansen: Establishing fair practice standards for produce handlers and associations. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5846 Prime Sponsor, Senator Metcalf: Creating liability for damage caused from surface water runoff. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5846 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, Kreidler, Owen.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5849 Prime Sponsor, Senator Newhouse: Permitting persons on stretchers to be transported on vehicles other than ambulances. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1989

SB 5851 Prime Sponsor, Senator Smith: Establishing the emergency school building fund. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5851 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5855 Prime Sponsor, Senator Anderson: Revising provisions for the state environmental policy act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5855 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Owen, Patterson.

MINORITY recommendation: Do not pass. Signed by Senators Kreidler, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5866 Prime Sponsor, Senator Rasmussen: Permitting the use of credit cards to pay certain taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5866 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5867 Prime Sponsor, Senator Talmadge: Providing for the restoration of damage to natural resources. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Kreidler, Owen, Sutherland.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5869 Prime Sponsor, Senator Lee: Regarding unemployment compensation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5869 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5870 Prime Sponsor, Senator Anderson: Establishing the industrial insurance labor-management cooperation program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5882 Prime Sponsor, Senator Nelson: Establishing definitions and revising penalties for reckless, negligent, and inattentive driving. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5893 Prime Sponsor, Senator Barr: Promoting the review of incidents of pesticide exposure. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5902 Prime Sponsor, Senator Lee: Creating the council for the future. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5902 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Matson, Murray, Smitherman, Warnke, Williams.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5903 Prime Sponsor, Senator Kreidler: Providing nursing home care for medically fragile children. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5916 Prime Sponsor, Senator Barr: Revising provisions on labeling meat. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5917 Prime Sponsor, Senator Sellar: Empowering the water quality authority to adopt goals for water and sediment quality set forth in the plan. Reported by Committee on Environment and Natural Resources

**MAJORITY recommendation:** That Substitute Senate Bill No. 5917 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Owen, Patterson, Sutherland.

**MINORITY recommendation:** Do not pass. Signed by Senator Kreidler.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5921 Prime Sponsor, Senator Bailey: Prohibiting the use of tobacco on public school property. Reported by Committee on Education

**MAJORITY recommendation:** Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5931 Prime Sponsor, Senator von Reichbauer: Creating an amateur athletics commission. Reported by Committee on Governmental Operations

**MAJORITY recommendation:** That Substitute Senate Bill No. 5931 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5933 Prime Sponsor, Senator Williams: Establishing an annual leave sharing program for state employees. Reported by Committee on Economic Development and Labor

**MAJORITY recommendation:** That Substitute Senate Bill No. 5933 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5951 Prime Sponsor, Senator Kreidler: Regarding geoducks. Reported by Committee on Environment and Natural Resources

**MAJORITY recommendation:** That Substitute Senate Bill No. 5951 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5957 Prime Sponsor, Senator Smitherman: Mandating coverage for diabetic education. Reported by Committee on Financial Institutions and Insurance

**MAJORITY recommendation:** That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5960 Prime Sponsor, Senator Nelson: Defining and providing indigent defense services. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5960 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hayner, Madsen, Niemi, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5967 Prime Sponsor, Senator Rinehart: Establishing the magnet school grant program. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5973 Prime Sponsor, Senator Saling: Changing age of minority in mental health statutes. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5973 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5974 Prime Sponsor, Senator Saling: Considering problems of chemical dependency at disposition hearings. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

March 1, 1989

SB 5977 Prime Sponsor, Senator Thorsness: Promoting state-wide video communications. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Referred to Committee on Ways and Means.

February 27, 1989

SB 5981 Prime Sponsor, Senator Bailey: Regarding school construction. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 28, 1989

SB 5984 Prime Sponsor, Senator Newhouse: Modifying water conservation procedures in the Yakima river basin. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5990 Prime Sponsor, Senator Johnson: Limiting taxes on resale of network telephone service. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 6002 Prime Sponsor, Senator Bauer: Creating a summer school program for the blind. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6003 Prime Sponsor, Senator Bailey: Permitting school and educational service districts to provide employees with postretirement medical benefits for unused sick leave. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6003 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6009 Prime Sponsor, Senator Owen: Pertaining to custodial interference. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Thorsness.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6013 Prime Sponsor, Senator Bluechel: Regulating capacity charges imposed by a metropolitan municipal corporation. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6013 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 6015 Prime Sponsor, Senator Moore: Regarding taxation of stock brokers, broker-dealers and security houses. Reported by Committee on Financial Institutions and Insurance



MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Referred to Committee on Ways and Means.

March 1, 1989

SB 6023 Prime Sponsor, Senator Pullen: Providing for preservation of private business records. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman, Madsen, Nelson, Niemi, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6033 Prime Sponsor, Senator Benitz: Changing the emphasis of state nuclear policy to address Hanford's cleanup. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton.

MINORITY recommendation: Do not pass. Signed by Senators Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 6036 Prime Sponsor, Senator McCaslin: Regulating businesses that provide rental motor vehicles to the public. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6045 Prime Sponsor, Senator Smith: Reforming campaign finance and reporting provisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by McCaslin, Chairman; Thorsness, Vice Chairman; Conner.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 6048 Prime Sponsor, Senator von Reichbauer: Regarding HIV testing under Title 48 RCW. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6048 be substituted therefor, and the substitute do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6051 Prime Sponsor, Senator Anderson: Promoting employer involvement in

the development of child care services and facilities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, Williams.

Referred to Committee on Ways and Means.

February 27, 1989

SB 6057 Prime Sponsor, Senator Murray: Providing for school services for homeless children. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6067 Prime Sponsor, Senator Anderson: Relating to child care. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6067 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey.

Referred to Committee on Ways and Means.

March 1, 1989

SB 6076 Prime Sponsor, Senator Thorsness: Creating motorcycle public awareness program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6077 Prime Sponsor, Senator Patterson: Authorizing powers of public transportation benefit areas to contract with local governments for street maintenance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6077 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, Hansen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 6080 Prime Sponsor, Senator Smith: Relating to maternity care of women and children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill 6080 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

March 1, 1989

SJM 8014 Prime Sponsor, Senator Benitz: Promoting the decommericalization of steelhead trout, elk, and deer. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8014 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SJM 8016 Prime Sponsor, Senator Bailey: Requesting federal funds for asbestos removal. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1989

SJR 8221 Prime Sponsor, Senator Williams: Amending the Constitution to specify where state offices and executive departments must be located. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Resolution No. SJR 8221 be substituted therefor, and the substitute resolution do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1989

SCR 8407 Prime Sponsor, Senator Anderson: Creating joint select committee on group self-insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

## MOTION

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

## MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 5221.

On motion of Senator Newhouse, Senate Bill No. 5221 was referred to the Committee on Ways and Means.

## MOTION

At 6:25 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 2, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## FIFTY-THIRD DAY

### MORNING SESSION

Senate Chamber, Olympia, Thursday, March 2, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, DeJarnatt, Fleming, Gaspard, Madsen, McMullen, Rasmussen and Smitherman. On motion of Senator Bender, Senators DeJarnatt, Fleming, Gaspard, Madsen, McMullen, Rasmussen and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Miriam Hagensen and Matthew Chaplin, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Kozuki, appointed February 22, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

#### MESSAGE FROM THE HOUSE

March 1, 1989

Mr. President:

The House has passed;

HOUSE BILL NO. 1224,

HOUSE BILL NO. 1225,

SUBSTITUTE HOUSE BILL NO. 1251,

SUBSTITUTE HOUSE BILL NO. 1788, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6083 by Senator Hayner

AN ACT Relating to the use of hotel and motel tax funds; and amending RCW 67.28.210.

Referred to Committee on Ways and Means.

SB 6084 by Senators Rinehart, Lee, Talmadge, Conner, Sutherland and von Reichbauer

AN ACT Relating to state employees; amending RCW 41.56.030, 41.56.040, 41.56.122, 41.56.060, 41.56.430, 41.04.230, 28B.16.101, and 41.56.020; reenacting and amending RCW 41.06.150 and 28B.16.100; adding new sections to chapter 41.56 RCW; creating new sections; repealing RCW 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.230, 28B.16.255, 28B.16.265, 28B.16.275, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.170, 41.06.176, 41.06.186, 41.06.196, 41.06.230, 41.06.300,

41.06.310, 41.06.320, 41.06.330, 41.06.340, and 41.56.475; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1224 by Representatives R. Fisher, McLean, Anderson and Miller (by request of Secretary of State)

Simplifying filing procedures for elections to fill short and full terms.

Referred to Committee on Governmental Operations.

HB 1225 by Representatives R. Fisher, McLean, Anderson, Wang, Miller and Ebersole (by request of Secretary of State)

Clarifying the declaration of candidacy for precinct committee officer.

Referred to Committee on Governmental Operations.

SHB 1251 by Committee on Local Government (originally sponsored by Representatives Nutley, Zellinsky, Ferguson, Haugen, Cooper, Phillips, Raiter and Rayburn)

Changing provisions relating to municipal annexations.

Referred to Committee on Governmental Operations.

SHB 1788 by Committee on Appropriations (originally sponsored by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon) (by request of Department of Community Development)

Pertaining to the Puyallup tribe of Indians' land claims.

Referred to Committee on Ways and Means.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9020, John Fluke, as a member of the Higher Education Coordinating Board, was confirmed.

##### APPOINTMENT OF JOHN FLUKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senator Amondson - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Madsen, McMullen, Rasmussen, Smitherman - 7.

##### MOTION

On motion of Senator Anderson, Senator Amondson was excused.

##### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9043, James E. Massart, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

##### APPOINTMENT OF JAMES E. MASSART

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin,

McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Excused: Senators Amondson, DeJarnatt, Fleming, Madsen, McMullen, Rasmussen, Smitherman - 7.

#### SECOND READING

SENATE BILL NO. 5088, by Senators Benitz, Stratton, Bluechel, Metcalf, Lee, Anderson and Johnson

Regulating telemarketing.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment be adopted:

On page 8, line 18, after "final" insert "unless the written confirmation is sufficient to indicate that a contract for sale has been made between the parties, is signed by both the consumer and the seller, and contains the date on which the consumer actually signs the writing"

Debate ensued.

#### POINT OF INQUIRY

Senator Benitz: "Senator Williams, have you discussed this with the legitimate telemarketing people?"

Senator Williams: "No. I've only discussed it with the representative from the Attorney General's office and to my knowledge, they seem relatively satisfied with it. I'm more concerned with talking with the consumers than I am with the telemarketing people right now. My feeling is we really have not had any appropriate consumer groups that have been involved in this bill and that's my whole concern with this amendment--to protect the consumer."

Senator Benitz: "Thank you, Senator Williams."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 8, line 18, to Substitute Senate Bill No. 5088.

The motion by Senator Williams failed and the amendment was not adopted.

#### MOTION

Senator Moore moved that the following amendment be adopted:

On page 4, in line 19, strike the period, insert a semicolon and after line 19 insert:

"(v) A person soliciting the sale of food fish or shellfish when that person is licensed pursuant to the provisions of Title 75 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 4, line 19, to Substitute Senate Bill No. 5088.

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

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5088.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin,

McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Voting nay: Senator Williams - 1.

Absent: Senator Nelson - 1.

Excused: Senators DeJarnatt, Fleming, Madsen, McMullen, Rasmussen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5088, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5196, by Senators Barr, Hansen, Talmadge, Williams, Conner, Madsen, Gaspard, McMullen and Benitz (by request of Governor Gardner)

Regarding emergency drought relief.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5196 was substituted for Senate Bill No. 5196 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5196.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Nelson - 1.

Excused: Senators DeJarnatt, Fleming, Madsen, McMullen, Rasmussen - 5.

SUBSTITUTE SENATE BILL NO. 5196, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5004, by Senators West, Lee, Anderson, Conner, Warnke, Johnson, Sutherland and Bauer

Establishing the joint Washington-Oregon office of Asian affairs.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5004 was substituted for Senate Bill No. 5004 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5004 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator McDonald, my question to you was that the original bill contained an appropriation of two hundred thousand dollars, which I think would have been money that would have made the office work and would have kind of countered the concerns that Senator Talmadge raised, but I see that this appropriation is removed. My question to you as chairman of the Ways and Means

Committee is, is it your intent to put this money in the budget so that this office can function?"

Senator McDonald: "Senator Vognild, I think that a lot of those decisions are going to have to be made at the time when we know how much revenue that we have. I can't tell you exactly what's going to be in the budget or what's going to be out of the budget, because we haven't written the budget."

Further debate ensued.

#### POINT OF INQUIRY

Senator Moore: "Senator West, in Section 1, sub (2), it says, 'can buying foreign currency forward be accomplished and will it save general fund appropriations.' What's the purpose of that and how do you visualize it?"

Senator West: "That is simply asking the department to gather the information regarding buying foreign currency in bulk. As you well know, and as others know, the market in foreign currency changes daily, and if we can accomplish some savings by buying at certain points in the market, setting the money aside and spending it in a more productive way, we should know about that. It's encouraging the department to look at that. What the problem is in Tokyo and other places is, what we might get for ten dollars a square foot here, they'll pay two hundred dollars a square foot in rent over there. The space of your desk would cost about a thousand dollars to rent for a month. If we can accomplish some savings by exchanging American currency for foreign currency in a foreign office, we should do it."

Senator Moore: "One further question, what does the word, 'forward' mean?"

Senator West: "It's the opposite of backward."

Senator Moore: "Well fine, thank you very much, Senator West. Speaking on this sub (2), if I understand what Senator West is saying, it would mean that somebody--some responsible person with the state--would be taking positions in foreign currency. If that is true, it seems to me that we are speculating with appropriated money and if we do this, we might as well extend it to wheat futures and corn futures and all the other things that we have here. So I really question the--I don't know what the right word is--maybe the ethics of this, but it doesn't seem right to me."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5004.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5004 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wøjahn - 40.

Voting nay: Senators Conner, Moore, Niemi, Talmadge, Vognild - 5.

Excused: Senators DeJarnatt, Fleming, Madsen, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 5004, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5125, by Senators McCaslin, Pullen, Stratton, Owen, Craswell, Johnson, Smith and Metcalf

Limiting causes of action for wrongful life and wrongful birth.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5125 was substituted for Senate Bill No. 5125 and the substitute bill was placed on second reading and read the second time.



On motion of Senator Pullen, the rules were suspended. Substitute Senate Bill No. 5125 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bluechel: "Senator Niemi, would you describe the scope of the problem at the present time and how many actual cases have been brought under the current law?"

Senator Niemi: "Yes, as Senator Pullen said, the case was brought and decided in 1983. There is nothing on this in statute, by the way, to deal with this. From the cases that were brought in 1983, there have been practically no lawsuits brought under this cause of action--very, very few. If we passed this bill, it will have no perceptible impact on reducing medical malpractice premiums or anything like that, so if you are concerned about malpractice premiums, that's not an issue here. You're just simply prohibiting a child from bringing a lawsuit for support because of wrongful decisions."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5125.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Cantu, Craswell, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bailey, Bender, Bluechel, Conner, Gaspard, Kreidler, Lee, Matson, Moore, Murray, Niemi, Patterson, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

Excused: Senators DeJarnatt, Fleming, Madsen, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 5125, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5369, by Senators Bluechel, Warnke, Smith, Lee and von Reichbauer

Providing for a study of mobile home availability.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5369.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Hayner, Matson - 2.

Excused: Senators DeJarnatt, Fleming, Madsen, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5533, by Senators Rasmussen, Hansen, Vognild, Patterson, Thorsness, Conner, Metcalf, Benitz, Saling and Nelson

Authorizing the removal or destruction of seals and sea lions preying upon salmon or steelhead.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Sutherland: "Senator Metcalf, I have been reading through the papers that you handed out, dealing with the transfer of management authority--the federal guidelines. The question I have in reading through them and Substitute Senate Bill No. 5533, on page 2, lines 1 and 17, which just says that the department shall remove or destroy any non-endangered marine mammals which are reducing the state's salmon or steelhead population--and it says that twice--once for fisheries and once for wildlife. Would the legislation that's being presented to us this morning in 5533 require that the state of Washington, either the Department of Fisheries or the Department of Wildlife request of the federal government authority for the management and conservation of marine mammals in the state of Washington? Would this require them to do that?"

Senator Metcalf: "Well, this bill would require them to follow the law--whatever steps are necessary. I read the law which says that, 'You can remove for the protection of the public health and welfare,' and this just says, 'follow the law.' I don't think in this Legislature, we should go through all the steps that they should take. That's their job. I guess I would be critical in the past that they haven't really made the effort. They didn't, to my knowledge, they didn't even go back to Washington, D.C., and testify when the Marine Mammal Act was under amendment last fall. We didn't even go back and testify to try and get them to change the law to make it easier or whatever, but I think they should follow the law."

Senator Sutherland: "Thank you, Senator Metcalf. Then, this piece of legislation would require the Washington State Department of Fisheries and the Washington State Department of Wildlife to seek federal authorization to manage marine mammals in the state of Washington. It would do so by requiring them to seek lethal destruction of those animals, when necessary, for public nuisances or danger to other species.

"I might mention to you and Senator Metcalf, if my recollection is correct, they did testify in Congress on it. The fiscal impact, because all of the management of the marine mammals in the state of Washington, currently the fiscal impact of that is borne by the federal government. That fiscal responsibility would also be shifted to the state of Washington, so you and I now would be funding the entire cost of marine mammal management in all the salt waters and fresh waters in the state of Washington--something that would be required under this act. In addition to that if I may enlist your attention to the handout that Senator Metcalf provided for all of us, and I appreciate you doing it, Senator Metcalf, the first thing on the table under transfer of management authority reads and with the permission of the body, I would like to read just a little of it, 'No state may enforce or attempt to enforce any state law or regulation relating to the taking of any species unless the Secretary has transferred authority. During the period of time in which that authority if being

transferred,' and that is on page 183, sub-section 2, sub-section A. 'The state program shall not apply with respect to the taking of any specie within the state, for any purpose.'

"So, during the entire time the state of Washington is seeking the transfer of authority, they cannot, for any purpose, lethally destroy any marine mammals in the state of Washington. Once the authority has been granted to the state of Washington and the fiscal responsibility has been transferred to the state of Washington, they then go on and say that, 'No species can be taken unless,' and I'm reading page 812 now, sub-section 1, sub-section B, and further on sub-section I, 'That species have to be maintained at an optimal sustainable population.'

"In other words, once the state of Washington is granted the authority and given the fiscal responsibility, we then have to do a survey of marine mammals in the state of Washington, determine that we cannot sustain one more marine mammal in the state of Washington, and once we have attained the optimal number of marine mammals, which this piece of legislation would require us to do, then we could lethally remove them. So, this piece of legislation by saying, 'Please Department of Fisheries, please Department of Wildlife, go out and shoot some seals and shoot some marine mammals,' in essence, would require us to be fiscally responsible for managing all of them and also would require us to make sure that we have all the marine mammals possible that our salmon runs and our steelhead runs could sustain in the state of Washington before we could ever entertain any lethal opportunities. I'd encourage you to turn this piece of legislation down."

Further debate ensued.

#### POINT OF INQUIRY

Senator Amondson: "Senator Sutherland, I guess I'm a little confused with respect to how you are so supportive of sport fishing interests and this bill goes out to, in essence, the predator of the sport fish and why you would protect the predator of a sport fish?"

Senator Sutherland: "Senator Amondson, first of all the piece of legislation before you—I think the promotion of the legislation before you is misleading and very deceiving in nature, because your own comments just now said it would protect fish in the state of Washington. Quite honestly, that is what it looks like it would do on the surface, but because as Senator Metcalf said, this piece of legislation would require whatever steps necessary in order to lethally remove those marine mammals and requires transfer of authority. In the transfer of authority, as I said earlier, you have to look at the optimal sustainable number of marine mammals in the state of Washington. I think, quite honestly, it's in the best interest of sport fishing to not have to manage those by the state of Washington, for the optimal number of marine mammals, because if we increase the number of marine mammals in the state of Washington, then those marine mammals will be eating more of those recreational fish. In fact, they'll be eating more commercial fish.

"So, this is a piece of legislation that the recreational sport anglers of the state of Washington and the commercial fishermen of the state of Washington could both agree in turning down, because it would require more marine mammals in the state of Washington. So, Senator Amondson, I think my stand in favor of sport fishing is purely consistent."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5533.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, Vogt, von Reichbauer, West, Williams, Wojahn - 34.

Voting nay: Senators Bauer, Fleming, Gaspard, Kreidler, Moore, Murray, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Warnke - 12.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5184, by Senators Smitherman, Lee and Talmadge  
Regulating limousine operators.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5184 was substituted for Senate Bill No. 5184 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smitherman, the rules were suspended, Substitute Senate Bill No. 5184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5184.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 5184, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5731, by Senators von Reichbauer and Moore

Allowing investment in government obligations.

The bill was read the second time.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5731.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Hansen - 1.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SENATE BILL NO. 5731, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5066, by Senators Pullen and Rasmussen

Modifying self-defense requirements.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5066 was substituted for Senate Bill No. 5066 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5066.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 5066, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5481, by Senators West, Wojahn, Sellar and Vognild

Including education and prevention services in the impaired physician program.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5481.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5419, by Senators DeJarnatt, Metcalf and Sutherland

Allowing Oregon charter boats to fish in Washington waters.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5419 was substituted for Senate Bill No. 5419 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5419 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senator Owen spoke for Senator DeJarnatt, the prime sponsor of the bill.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5419.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5419 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Anderson - 1.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 5419, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5250, by Senators Sutherland and Amondson

Reclaiming land at surface mining sites.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5250.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5250 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators McCaslin, Nelson, Talmadge - 3.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SENATE BILL NO. 5250, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5155, by Senators Wojahn, Anderson, Madsen, Brauer, Vognild, Warnke, Lee, Niemi, Smith and McMullen

Providing a business and occupation tax deduction for capital and operation expenses related to child care facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 5155 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Nelson: "Senator Wojahn, I'm reading the bill on lines 8 and 9. You could refer to that, and I'm led to believe that with this bill, the deduction that employers are now going to receive from the Business and Occupation tax can be obtained in one of two ways. Either for capital and operation expenses to provide child care in an on-site facility for employees or and I read, 'to directly purchase child care services for employees.' I read that to be that as an employer, I could purchase off-site child care for my employees at any location within the state of Washington and receive a Business and Occupation tax deduction. Is that correct?"

Senator Wojahn: "It is. Child care expenses are to be deducted from a firm's income. B & O taxes are paid on the reduced income. Thus, child care expenses of \$1,000 reduces the firm's taxable income by \$1,000. Savings in B & O taxes paid for a manufacturing firm, is \$4.84. A service firm would save \$15.00 in taxes. They also can share that with their employee. In other words, if the management wants to use a portion of the money and let the employee provide a portion, that is also available. But only the amount that is actually deducted can be deducted for the B & O tax and that's based upon a rate that the B & O tax is generated on."

Senator Nelson: "So that I understand your answer, is it not correct that an employer in this state will now be able to purchase child care opportunities for their employees off-site and obtain a full Business and Occupation tax deduction for the amount that they spend for the employees?"

Senator Wojahn: "Yes, they can."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5155.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Nelson - 1.

Excused: Senators DeJarnatt, Madsen, McMullen - 3.

SENATE BILL NO. 5155, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:23 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:02 p.m. by President Pritchard.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9044, Coralee Mattingly, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

## MOTION

On motion of Senator Anderson, Senator Craswell was excused.

## APPOINTMENT OF CORALEE MATTINGLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Brauer, Bender, Bluechel, Cantu, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators Barr, Benitz, Conner, Fleming, Smitherman - 5.  
Excused: Senators Craswell, DeJarnatt, Madsen, McMullen - 4.

#### SECOND READING

SENATE BILL NO. 5821, by Senators Rinehart, Bailey and Murray

Directing the department of community development to develop a model intergenerational child care program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 2, line 5, strike "may" and insert "shall"

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 5821 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Bailey, what did you make mandatory--on what line and what page?"

Senator Bailey: "Senator McCaslin, it's on page 2, line 5."

Senator McCaslin: "What effect does that have on this bill, Senator Bailey?"

Senator Bailey: "It simply has the effect that the department work together with state, federal and local agencies."

Senator McCaslin: "Well, I certainly don't want to be picky, Senator Bailey, but I just wonder when we change the words, 'may work with state, federal and local agencies,' and what this does to it when it says, 'shall work with state, federal and local agencies,' whether or not this is a forcible mandate, which I'm concerned about as far as the dollar cost."

Senator Bailey: "No, it doesn't change the dollar cost at all. It just mandates that they work together. Sometimes, we have problems with our state agencies working with other agencies and this just requires that."

Senator McCaslin: "Well, you were so smooth in your discussion of that amendment, I was just curious, actually, as to what you were doing, Senator Bailey."

#### MOTIONS

On motion of Senator Gaspard, Senator Hansen was excused.

On motion of Senator Warnke, Senator Conner was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5821.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Barr - 1.

Excused: Senators Conner, Craswell, DeJarnatt, Hansen, Madsen, McMullen - 6.

ENGROSSED SENATE BILL NO. 5821, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5833, by Senators Pullen, Talmadge, Madsen, Thorsness, Niemi and Nelson

Amending the disposition and sentencing standards for juvenile offenders.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following amendments by Senators Pullen and Talmadge were considered simultaneously and were adopted:

On page 17, line 21, strike "B+ " and insert "B"

On page 17, line 23, strike "B+ " and insert "B"

On page 18, line 1, strike "C+ " and insert "C"

On page 18, line 2, strike "C+ " and insert "C"

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 5833 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5833.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5833 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Conner, Craswell, DeJarnatt, Hansen, Madsen, McMullen - 6.

ENGROSSED SENATE BILL NO. 5833, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5213, by Senators Pullen, Moore, Madsen, Nelson, McCaslin, Bluechel, Thorsness and Newhouse

Extending the statute of limitations on written charge accounts.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5213 was substituted for Senate Bill No. 5213 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5213 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, did we have a list of those people in small business that allowed you to extend your credit that far, because I'd like to get that list. I've never been able to find anybody to do business with that would let me run for even three years. My more immediate concern, in my mail yesterday, I received an application for a credit card and it says, 'sign the checks anyway and send them in before you get your card,' and they enclosed five checks. It's a good outfit to do business with and it only costs thirty dollars a year for the card. Is this the kind of business we are talking about that we want to extend the collection periods from three to six years?"

Senator Pullen: "Well, if you sign some sort of document that indicated you owed a debt, then that would probably fall under the category of extending the statute of limitations from three to six years. I'm not surprised that you haven't had any problems in this area, Senator Rasmussen, because your business skills are

very well known and are legendary and I'm sure you would never have a problem with a debt that would go even close to the three year period."

Senator Rasmussen: "Thank you, Senator Pullen, I'm not sure you're right, but my concern is for those people that get all of these proposals to just sign your name. You don't even have to sign your name, just have somebody else sign it for you and send it in and you're on the hook. I see no reason for extending beyond the three years. Was this a request of the Small Business Administration?"

Senator Pullen: "There have been two areas of support for the bill. One is from a number of individuals--small businesses who have had trouble getting collections--and of course, from the collectors who have tried to help get those debts collected."

Senator Rasmussen: "This says, 'for the collectors then.' That's the people we passed a law telling them that they couldn't call after eight thirty, because they were calling at midnight and trying to collect bills. These are the people that we had to pass the other for and these are the ones that want it extended?"

Senator Pullen: "Senator Rasmussen, if in addition to being a truly outstanding Senator, I think you would have made a wonderful prosecuting attorney."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5213.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5213 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Amondson, Bailey, Bauer, Benitz, Bluechel, Cantu, Craswell, Johnson, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Thorsness, von Reichbauer - 22.

Voting nay: Senators Anderson, Barr, Bender, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Murray, Niemi, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 23.

Excused: Senators Conner, DeJarnatt, Madsen, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 5213, having failed to receive the constitutional majority was declared lost.

#### SECOND READING

SENATE BILL NO. 5362, by Senators West, Talmadge, Niemi, Smith, Johnson, Kreidler, Wojahn and Anderson

Regulating the administration of antipsychotic medications.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5362 was substituted for Senate Bill No. 5362 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT ON INQUIRY

Senator Rasmussen: "Senator West, I note the proposed substitute provides that they can give them medication and also shock treatment. I thought that we'd done away with shock treatments in our hospitals. Is that still going on? Is that that electro-shock?"

Senator West: "It's a term used in the statute. It's a term that is there that is not a procedure that is currently going on, but it extends the current statute to children and brings children under the same scope as adults regarding the Harper decision."

Senator Rasmussen: "Then I would hope that we are not going to authorize shock treatment. I happen to know people who have undergone that and it has been severely damaging, rather than helpful. You don't know if this would authorize them to go ahead with shock treatment?"

Senator West: "Senator Rasmussen, it is not the intent and I do not believe that this bill extends that to the population."

Senator Rasmussen: "Thank you, Senator West."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, on these cases, they can treat them under emergency basis without the court order?"

Senator Talmadge: "Yes, that's my understanding, Senator."

Senator Rasmussen: "And they must go and get a further court order?"

Senator Talmadge: "Yes."

Senator Rasmussen: "And do they go before a judge or a commissioner?"

Senator Talmadge: "Usually a commissioner, Senator. There has to be a hearing right attached very soon after the decision to deal with that person's emergency situation and the person can have these drugs administered only in circumstances where they are a danger to themselves or a danger to others, not in circumstances where they're gravely disabled, one of the other categories for involuntary treatment. It is really confined only to a danger to themselves or a danger to others before this can occur and then there's an immediate hearing right that attaches very shortly afterwards."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5362.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Wojahn - 40.

Voting nay: Senators Craswell, Pullen, Rasmussen, Vognild, Williams - 5.

Excused: Senators Conner, DeJarnatt, Madsen, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 5362, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Smitherman served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5213 failed to pass the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5146, by Senators Owen, Craswell, Kreidler, Lee, Stratton, Sellar and Conner

Providing a Hood Canal marine fish preservation area.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5146 was substituted for Senate Bill No. 5146 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Smith: "Senator Owen, this is a friendly question, but it's really one that I--you smiled--but it really is a friendly question that I thought about that kind of scares me a little bit. We're going to have no commercial fishing by non-Indians. It

looks to me like this would be just a haven for Indian commercials, and I support this bill by the way. What happens then?"

Senator Owen: "I'm glad that you brought that up, because another consideration that I gave, is that, and I'm sure you probably know, the tribes can claim what they call 'foregone opportunity' and pick up additional fish that the non-Indian allocation missed. I put an amendment on the bill that said that if the tribes claim 'foregone opportunity,' the deal is off and they need to sit down at the table and try to negotiate something with the tribes, so that they don't try to pick up the excess fish which would not be fair to the non-Indian fishery. I believe that the tribes will come to the table, because it is in their best interest to allow for additional escapement back to the hatcheries, the rivers and the streams in order to rebuild the fishery there. They will benefit from it in the future."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5146.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Anderson, Nelson - 2.

Absent: Senator Metcalf - 1.

Excused: Senators Conner, DeJarnatt, Madsen, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 5146, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5354, by Senators McDonald, Bluechel, Rasmussen, McMullen and Anderson

Providing for caseload forecasting in the office of financial management.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5354.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, DeJarnatt, Madsen, McMullen - 4.

SENATE BILL NO. 5354, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:12 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, March 3, 1989.

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

## FIFTY-FOURTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Friday, March 3, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Madsen, Matson, McMullen, Talmadge and Vognild. On motion of Senator Bender, Senators DeJarnatt, Fleming, Madsen, Talmadge and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Janelle Pearl and Josh Knutkowski, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 2, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1033,

SUBSTITUTE HOUSE BILL NO. 1067,

SUBSTITUTE HOUSE BILL NO. 1071,

HOUSE BILL NO. 1072,

HOUSE BILL NO. 1117,

HOUSE BILL NO. 1157,

ENGROSSED HOUSE BILL NO. 1158,

SUBSTITUTE HOUSE BILL NO. 1208,

SUBSTITUTE HOUSE BILL NO. 1221,

ENGROSSED HOUSE BILL NO. 1226,

HOUSE BILL NO. 1241,

SUBSTITUTE HOUSE BILL NO. 1250,

HOUSE BILL NO. 1253,

SUBSTITUTE HOUSE BILL NO. 1254,

SUBSTITUTE HOUSE BILL NO. 1259,

SUBSTITUTE HOUSE BILL NO. 1264,

SUBSTITUTE HOUSE BILL NO. 1280,

ENGROSSED HOUSE BILL NO. 1298,

HOUSE BILL NO. 1307,

HOUSE BILL NO. 1308,

ENGROSSED HOUSE BILL NO. 1343,

ENGROSSED HOUSE BILL NO. 1348,

HOUSE BILL NO. 1354,

SUBSTITUTE HOUSE BILL NO. 1503,

HOUSE BILL NO. 1682,

ENGROSSED HOUSE BILL NO. 1697,

ENGROSSED HOUSE BILL NO. 1715, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6085 by Senator Vognild

AN ACT Relating to use of collection agencies by courts of limited jurisdiction; and amending RCW 3.02.045.

Referred to Committee on Law and Justice.

SB 6086 by Senators Vognild and Johnson

AN ACT Relating to retirement from public service; and amending RCW 41.26.030.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1033 by Representatives H. Sommers, Fuhrman, Brække, Silver and Sayan  
(by request of Legislative Budget Committee)

Amending committee voucher authority.

Referred to Committee on Governmental Operations.

SHB 1067 by Committee on Health Care (originally sponsored by Representa-  
tives Braddock, Brooks, Day and P. King) (by request of Insurance  
Commissioner)

Making technical changes in the state Health Insurance Coverage Access Act.

Referred to Committee on Health Care and Corrections.

SHB 1071 by Committee on Judiciary (originally sponsored by Representatives  
H. Myers, Padden, Nealey, Patrick, Wolfe, Wood, P. King and  
Crane)

Regarding collateral attacks on convictions.

Referred to Committee on Law and Justice.

HB 1072 by Representatives Rasmussen, Dorn, Brumsickle, Betrozoff, Rayburn,  
Fuhrman, Peery, Pruitt, Walker, Valle, Spanel, R. Meyers, Prentice,  
Kremen, Rust, Wineberry, Heavey, Rector, Morris, Patrick, Leonard,  
Basich, Wang, Winsley, P. King, Bowman, G. Fisher, K. Wilson,  
Miller, Wolfe, Nealey, Brough, Crane, Walk, Schoon, Todd, Phillips  
and Anderson

Prohibiting air guns on school premises.

Referred to Committee on Education.

HB 1117 by Representatives Patrick, Vekich, R. King, Sayan, Winsley and  
McLean (by request of Department of Labor and Industries)

Changing conditions for workers' compensation insurance.

Referred to Committee on Economic Development and Labor.

HB 1157 by Representatives Holland, Peery, Betrozoff, Ferguson, Cole, Fuhrman,  
Jones, Walker, Pruitt, Schoon, Rayburn, Winsley, Ebersole, Nealey,  
Leonard, Brumsickle, May, Prentice, Horn, Rasmussen, Wineberry,  
Phillips, Miller, Patrick, Jacobsen, Winsley, Kremen, McLean,  
Miller, Grant, Anderson, Dorn, Bowman, Moyer and Spanel

Exempting vocational-technical institutes from competitive bidding in the case  
of sole source suppliers.

Referred to Committee on Education.

EHB 1158 by Representatives Holland, Peery, Betrozoff, Cole, Fuhrman, Pruitt,  
Walker, Jones, Silver, H. Sommers, Brumsickle, Sayan, Nealey,  
Rayburn, Ebersole, May, Haugen, Baugher, Valle, Leonard, Horn,  
Rasmussen, D. Sommers, Moyer, G. Fisher, Prentice, Grant, Bristow,  
Phillips, Miller, Patrick, Jacobsen, Winsley, Kremen, McLean,  
Crane, Spanel, Inslee and Rector

Repealing the expiration of the Washington school directors' association.

Referred to Committee on Education.

SHB 1208 by Committee on Commerce and Labor/Appropriations (originally  
sponsored by Representatives Cole, Patrick, R. King, Walker,  
Jones and Anderson)

Requiring certification of court reporters.

Referred to Committee on Economic Development and Labor.

SHB 1221 by Committee on Commerce and Labor (originally sponsored by Representatives McLean, Vekich, Nealey, P. King, Todd and Silver)

Easing licensing requirements for vehicle auctioneers.

Referred to Committee on Economic Development and Labor.

EHB 1226 by Representatives R. Fisher, McLean, Anderson and Miller (by request of Secretary of State)

Requiring lists of electors and presidential candidates.

Referred to Committee on Governmental Operations.

HB 1241 by Representative Braddock (by request of Director of Department of Licensing)

Adjusting terms for members of the examining board of psychology.

Referred to Committee on Health Care and Corrections.

SHB 1250 by Committee on Health Care (originally sponsored by Representatives Morris, Prentice, Sayan, G. Fisher, Braddock and Jones) (by request of Department of Licensing)

Changing licensing provisions for hearing aid fitters and dispensers.

Referred to Committee on Health Care and Corrections.

HB 1253 by Representatives Prentice, G. Fisher, Wood, Rasmussen, Day, Leonard and Wineberry (by request of Department of Licensing)

Changing provisions regarding nursing assistants.

Referred to Committee on Health Care and Corrections.

SHB 1254 by Committee on Judiciary (originally sponsored by Representatives H. Myers, Beck, Morris, R. Meyers, G. Fisher, Peery, Winsley, Wang, May, Jones, P. King, R. Fisher, Sayan, O'Brien, Locke, Crane, Heavey, Inslee, Rector, Brough, Cooper and Brumsickle) (by request of Governor Gardner and Attorney General)

Providing immunity from civil liability.

Referred to Committee on Law and Justice.

SHB 1259 by Committee on Local Government (originally sponsored by Representatives Scott, Cole, Heavey, Padden, Crane, P. King, R. Meyers, Belcher, Schmidt, Moyer, Tate, Patrick, Anderson, Jacobsen, Kremen, Todd, G. Fisher, Doty, Winsley, Baugher and Silver)

Exempting guide and service dogs from local license fees.

Referred to Committee on Governmental Operations.

SHB 1264 by Committee on Local Government (originally sponsored by Representatives Nealey, Haugen, Ferguson, McLean, Horn, Cooper and Moyer)

Changing provisions relating to local registrars.

Referred to Committee on Governmental Operations.

SHB 1280 by Committee on Natural Resources and Parks (originally sponsored by Representatives R. King, Belcher, Beck, Basich, S. Wilson, Sayan, P. King and Jacobsen) (by request of Joint Select Committee on Marine and Ocean Resources)

Modifying requirements of marine geologic explorations.

Referred to Committee on Environment and Natural Resources.

EHB 1298 by Representatives R. King, Winsley, Vekich, Baugher, Leonard, Gallagher, Sayan, Cole, Walk, Prentice, Heavey, Dellwo, Belcher,



Scott, Rector, Basich, Jones, Nelson, Phillips, Pruitt, Brekke and Ebersole

Enforcing the payment of prevailing wages.

Referred to Committee on Economic Development and Labor.

HB 1307 by Representatives Phillips, Holland, Wang and Appelwick (by request of Department of Revenue)

Revising assessment levels for equalizing personal property.

Referred to Committee on Ways and Means.

HB 1308 by Representatives Wang and Holland (by request of Department of Revenue)

Changing requirements concerning real estate excise tax affidavit forms.

Referred to Committee on Ways and Means.

HEB 1343 by Representatives Jones, Patrick, R. King, Sayan, Leonard, Cole, Wolfe, Wang, Winsley and Walker

Establishing procedures for determining jurisdiction in disputed industrial insurance claims and providing for benefits.

Referred to Committee on Economic Development and Labor.

HEB 1348 by Representatives Ferguson, O'Brien, Betrozoff, Haugen, May, Winsley, Sayan, Beck, Crane, Silver, Jones, Holland, Moyer, Horn, Patrick, Wood, Hankins and Miller

Authorizing excess weight permits for emergency vehicles.

Referred to Committee on Transportation.

HB 1354 by Representatives Fraser, McLean, R. Fisher, Crane, Winsley, Dorn, Sayan, Belcher, Chandler, Brough, Rector, Haugen, R. King, K. Wilson, Hankins, H. Myers, Miller, Rasmussen, Ebersole, Tate and Sprinkle (by request of Governor Gardner)

Continuing the interagency committee for outdoor recreation.

Referred to Committee on Environment and Natural Resources.

SHB 1503 by Committee on Transportation (originally sponsored by Representatives Ebersole, Schmidt, Walk, Nelson, Jones, Zellinsky, R. Fisher, Beck, S. Wilson, Wang, Hearvey, Brough, Schoon, Tate and P. King) (by request of Department of Transportation)

Relaxing bonding requirements on ferry contracts.

Referred to Committee on Transportation.

HB 1682 by Representatives Brough, Vekich, Patrick, Jacobsen, Cole, Leonard, Todd, O'Brien and Schoon

Revising provisions for fund raising events by bona fide charitable or nonprofit organizations.

Referred to Committee on Economic Development and Labor.

HEB 1697 by Representatives Wang, Patrick and Vekich (by request of Department of Labor and Industries and State Investment Board)

Regulating industrial insurance premium investments.

Referred to Committee on Economic Development and Labor.

HEB 1715 by Representatives Anderson, Winsley, Leonard, Wineberry, Nutley, O'Brien, Rector, Nelson and Brekke

Creating a register of public property available for development of low-income housing.

Referred to Committee on Governmental Operations.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9045, Norman V. McKibben, as a member of the Transportation Commission, was confirmed.

Senator Hayner spoke to the confirmation of Norman McKibben as a member of the Transportation Commission.

## APPOINTMENT OF NORMAN V. MCKIBBEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Matson, McMullen - 2.

Excused: Senators DeJarnatt, Fleming, Madsen, Talmadge, Vognild - 5.

## STATEMENT FOR THE JOURNAL

March 3, 1989

Mary Wiley  
Journal Clerk

I was not able to be present for the vote on Gubernatorial Appointment No. 9045, Norman V. McKibben to the Transportation Commission, due to inclement weather. I would have voted 'yes' for the confirmation.

Thank you.

Sincerely,  
PHIL TALMADGE, State Senator  
34th District

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9047, Charles K. Michener, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

## APPOINTMENT OF CHARLES K. MICHENER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Madsen, Vognild - 4.

## SECOND READING

SENATE BILL NO. 5035, by Senators Kreidler, Smith, Stratton, Bauer and Rasmussen

Providing for a program of insurance for foster parents.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, on page 4 of Substitute Senate Bill No. 5035, it indicates the Office of the Attorney General shall represent a foster parent who is sued for an incident which occurred in good faith. This is what we were trying to do with that Indian agreement--have the Attorney General represent those people that are sued--even though it's a false suit. Do you suppose your office could get that cleared?"

Senator McDonald: "That's a very good observation, Senator Rasmussen. It does look very similar to the amendment that was proposed by Senators Gaspard and Wojahn on your behalf in the committee. The argument, of course, against it was getting the Attorney General into private affairs, but I think that it is a very interesting parallel."

Senator Rasmussen: "Thank you. I just wanted to call it to your attention. We're hopeful we'll still get that amendment. With twenty-one million involved, we should be able to get him to serve."

Senator McDonald: "Thank you very much, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5035.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5040, by Senators Pullen, Talmadge, Niemi, Nelson, Thorsness, McCaslin, Madsen, Lee and Rasmussen (by request of Department of Corrections)

Changing the elements of the crime of introducing contraband in the first degree.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 3, line 11, after "subsection," insert "all of the"

On page 3, line 11, after "property" delete "adjacent to" and insert "of"

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 5040 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5040.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Sellar - 1.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SENATE BILL NO. 5040, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5079, by Senators Pullen and Talmadge

Discussing variable interest rates in relation to the uniform commercial code.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5079 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5079.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5079 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5079, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5128, by Senator McCaslin

Specifying notice requirements for local improvements.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5128 was substituted for Senate Bill No. 5128 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5128.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5128, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5130, by Senators McCaslin and Rasmussen

Requiring recording of easements.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5130 was substituted for Senate Bill No. 5130 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator McCaslin, the question I have is actually about the provisions of this bill. If the utility does not record the easement, is it your intention that the easement be eliminated or is it--"

Senator McCaslin: "It is my intention that you could then sue them for damages. If an easement is not recorded and later you put real property on that, then I think you have cause of action."

Senator Talmadge: "I see. The only concern I have is that it sounds very close to being a taking of some sort. I mean an easement is a right-in-property. I don't hold any candle for the utilities, but if you take a right-in-property, conceivably we would be responsible for paying for that taking."

Senator McCaslin: "And are you saying the utility would take it?"

Senator Talmadge: "No, by our passage of this legislation, it could, in fact, be a taking of the utility's right to that easement."

Senator McCaslin: "Well, I'm not an attorney and you are, if you put into statute that they are to record any easement for ingress and egress or any utilities, that's what they are to do and I think they have a time period to do that. You're saying if they don't do it--"

Senator Talmadge: "And the easement disappears by operation of law, I just wonder if we've engaged in a taking of some sort. That's what I'm getting at."

Senator McCaslin: "I still don't understand. Why would we be taking it, or why would it disappear? Why would the easement disappear?"

Senator Talmadge: "What I'm trying to get at is if the utility does not record its easement by the specific date, is the easement eliminated--is it gone?"

Senator McCaslin: "My guess would be, if there's no damages, why would it be gone? The problem would arise later and it would still be there as far as I know, unless you went to court. You know that better than I do."

Senator Talmadge: "Yes, I'm just worried about whether the easement disappears entirely. It just seems to me that it could create a question about whether there was a taking by the government."

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5130 was deferred.

## SECOND READING

SENATE BILL NO. 5137, by Senators Johnson, Rasmussen, Smitherman, Nelson, von Reichbauer, Saling, Niemi, Moore, Hayner, Vognild, Warnke and Lee (by request of Joint Committee on Pension Policy)

Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5137 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5137.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5137 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5137, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5206, by Senators Gaspard and McDonald

Changing provisions relating to the economic and revenue forecast council.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5206 was substituted for Senate Bill No. 5206 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5206.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5206 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5206, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5234, by Senators Pullen, Talmadge, Madsen, Rasmussen, Sutherland and Gaspard (by request of Washington State Patrol)

Revising provisions for the criminal identification system.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5234 was substituted for Senate Bill No. 5234 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5234 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, you know there's a second bill that relates to background checks on people that come into contact with children, that passed out of the Law and Justice Committee, that addresses some of the concerns that I think were identified in a series of articles that appeared in the Spokane newspapers. Is that bill in the Rules Committee at the present time?"

Senator Pullen: "I believe it went to the Ways and Means Committee."  
Further debate ensued.

#### MOTION

On motion of Senator Bender, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5234.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5234 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5234, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5253, by Senators Metcalf, Saling, Stratton and West

Protecting federally designated sole source aquifers.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5253 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5253.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SENATE BILL NO. 5253, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5263, by Senators Warnke, West, McMullen, Bender, Pullen, Bauer, Smitherman and Metcalf

Providing for arbitration for unilaterally implemented proposals.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5263.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams - 46.

Voting nay: Senator Matson - 1.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5277, by Senators McCaslin, DeJarnatt and Kreidler

Extending the period for fire district service charges.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5277.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5277 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SENATE BILL NO. 5277, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5305, by Senators Madsen, Metcalf, Hansen, McDonald, Benitz, Warnke, Matson, Pullen, Amondson, West and Newhouse

Providing immunity for equine activities.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

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

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,



Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

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

#### MOTION

On motion of Senator Newhouse, Senate Bill No. 5418 and Senate Bill No. 5480 were moved to the bottom of the second reading calendar.

#### SECOND READING

SENATE BILL NO. 5353, by Senators Johnson, Pullen, Vognild, von Reichbauer, Matson, West, Warnke, Gaspard, Bailey, Moore, Rasmussen, Madsen, Wojahn, Nelson, Lee, Kreidler, Conner, Thorsness, Owen, Metcalf, Stratton, Smitherman, Williams, McMullen, McCaslin, Saling, Newhouse, Hansen, Anderson, Talmadge and Sutherland

Revising provisions for continued service credit for disabled law enforcement officers and fire fighters.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5353 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5353.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5353 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SENATE BILL NO. 5353, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Vognild was excused.

#### SECOND READING

SENATE BILL NO. 5403, by Senators McCaslin, DeJarnatt and Thorsness

Providing for greater cost efficiency in disposing of state surplus property.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5403 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5403.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 44.

Absent: Senators Barr, Moore - 2.

Excused: Senators DeJarnatt, Vognild, Wojahn - 3.

SENATE BILL NO. 5403, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5486, by Senators McCaslin, DeJarnatt, Thorsness and Johnson  
Increasing the license period for real estate brokers and salespersons from one year to two years.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5486 was substituted for Senate Bill No. 5486 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5486 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5486.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5486 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 45.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Vognild, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5486, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5487, by Senators McCaslin, DeJarnatt and Thorsness  
Requiring real estate licensees to disclose certain information in writing.  
The bill was read the second time.

#### MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 5487 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5487.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 46.

Excused: Senators DeJarnatt, Vognild, Wojahn - 3.

SENATE BILL NO. 5487, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5492, by Senators Nelson and Talmadge

Establishing immunity for health care providers in suits brought by a parent.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5492 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5492.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SENATE BILL NO. 5492, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5501, by Senators West, Wojahn, Niemi, Johnson and Amondson (by request of Department of Corrections)

Modifying indemnification of contract providers to the department of corrections.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5501 was substituted for Senate Bill No. 5501 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5501 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5501.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams - 46.

Absent: Senator Gaspard - 1.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5501, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5543, by Senators Lee, Smitherman, Kreidler and Niemi  
Regulating annual reports of nonprofit corporations.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5543 was substituted for Senate Bill No. 5543 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5543 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5543.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 46.

Absent: Senator Williams - 1.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5543, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5561, by Senators Barr, Sutherland, Benitz, Vognild, DeJarnatt, Sellar, Hansen, Bauer, Patterson and Nelson

Assisting fin fish culture facilities.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5561 was substituted for Senate Bill No. 5561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5561.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5561, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

## SECOND READING

SENATE BILL NO. 5567, by Senators McCaslin and Warnke (by request of Administrator for the Courts)

Clarifying district court fees.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5567 was substituted for Senate Bill No. 5567 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5567 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5567.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5567 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 46.

Excused: Senators DeJarnatt, Rinehart, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5567, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5594, by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner, Niemi and Sutherland

Allowing prescriptions to be filled across state borders.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5594 was substituted for Senate Bill No. 5594 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5594 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5594.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5594 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 46.

Excused: Senators DeJarnatt, Rinehart, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5594, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5595, by Senators Nelson, Wojahn, Smith, Conner, Newhouse, Niemi, von Reichbauer and Johnson

Allowing distribution of drug samples.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5595 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5595.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SENATE BILL NO. 5595, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5597, by Senators Nelson, West, Newhouse, Smith, Conner, Wojahn and Niemi

Limiting pharmacists' liability.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5597 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, you and I had talked about this a moment ago. I still see some problems of how this particular bill is set up technically. It's an amendment to RCW 18.64. It does not amend the Product Liability Act and it does not amend the Uniform Commercial Code. Yet, there is a section in the Product Liability Act, from 1981, that provides for relief for people considered to be retailers of products, which I presume, a pharmacist would be in dispensing drugs pursuant to a prescription. My belief is, at least, that the retailer relief section of the Products Act is more generous in its immunity from liability than is this proposed bill. Do you have any reaction to that?"

Senator Nelson: "Thank you, Senator Talmadge. As you and I have discussed, we're going to mutually look at the Products Liability bill as this measure progresses. The bill makes reference to the Uniform Commercial Code in Section 2, but not to the Products Liability law as you have correctly stated and it may be necessary to amend this bill later on to provide some clarity. I'm not so sure that it narrows the liability provisions for pharmacists. I would have to carefully consider that."

Senator Talmadge: "Maybe we could hold it on the calendar and work up that amendment rather than send it on to the House in this form, because I do have some question about whether it's going to work in the way that it's drafted."

## MOTION

On motion of Senator Nelson, further consideration of Senate Bill No. 5597 was deferred.

## MOTION

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

## MOTIONS

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Substitute House Bill No. 1115.

On motion of Senator Newhouse, Substitute House Bill No. 1115 was referred to the Committee on Agriculture.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 5198.

On motion of Senator Newhouse, Senate Bill No. 5198 was referred to the Committee on Ways and Means.

## MOTION FOR RECONSIDERATION

Having served prior notice, Senator Smitherman moved to reconsider the vote by which Substitute Senate Bill No. 5213 failed to pass the Senate March 2, 1989.

## POINT OF INQUIRY

Senator Talmadge: "Senator Smitherman, the problem with this bill is what the definition of an account receivable is when incurred in the ordinary course of business. Would you define what an account receivable incurred in the ordinary course of business might be and maybe the difference between that and somebody just entering into an oral contract?"

Senator Smitherman: "I believe it's just an open account, Senator."

Senator Talmadge: "Well, the problem is, if I enter into an oral contract with you, that's something that's a three year statute of limitations now and a three year statute of limitations under this bill. If I enter into an oral contract with you and you go back to your business and you say, 'Well, I think I will carry that on my books,' and you treat it as an account receivable, then it's something that would carry with it a six year statute of limitations. The problem is, I think, that there is that difficulty in determining what is or is not an account receivable incurred in the ordinary course of business and an oral contract. It seems to me if we are going to reconsider this we may want to do it right and simply provide for a six year statute of limitations for all contracts."

## POINT OF INQUIRY

Senator Lee: "Senator Smitherman, is your reason for asking for reconsideration so that it can be returned to second reading for purposes of an amendment or just simply to pass it as is?"

Senator Smitherman: "To pass it as it is, Senator."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Smitherman to reconsider the vote by which Substitute Senate Bill No. 5213 failed to pass the Senate.

The motion by Senator Smitherman carried on a rising vote and the Senate will reconsider Substitute Senate Bill No. 5213.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5213, on reconsideration.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5213, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Pullen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West - 30.

Voting nay: Senators Anderson, Barr, Bender, Fleming, Gaspard, Hayner, Kreidler, Lee, McMullen, Murray, Niemi, Patterson, Rasmussen, Rinehart, Sutherland, Talmadge, Williams - 17.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5213, on reconsideration, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

February 28, 1989

SB 5091 Prime Sponsor, Senator Rasmussen: Allowing prepayment of state portion of property taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5096 Prime Sponsor, Senator Bluechel: Exempting small timber harvesters from the business and occupation tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1989

SB 5451 Prime Sponsor, Senator Talmadge: Creating a sales and use tax exemption for certain donated clothing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5734 Prime Sponsor, Senator von Reichbauer: Settling the Puyallup tribe of Indians claims. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1989

SB 5911 Prime Sponsor, Senator Amondson: Providing for the sale of state timber. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Smith, Warnke.

Passed to Committee on Rules for second reading.



## GUBERNATORIAL APPOINTMENTS

March 1, 1989

GA 9037 THOMAS L. KOBLE, appointed January 4, 1988, for a term ending at the Governor's pleasure, as Director of the Washington Basic Health Plan Agency.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Fleming, Gaspard, Lee, Moore, Niemi, Owen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules.

March 1, 1989

GA 9049 GARY MOORE, reappointed April 4, 1988, for a term ending December 31, 1990, as a member of the State Investment Board.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Fleming, Gaspard, Lee, Moore, Niemi, Owen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules.

March 1, 1989

GA 9058 JAMES F. RYAN, appointed April 4, 1988, for a term ending December 31, 1989, as a member of the State Investment Board.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Fleming, Gaspard, Lee, Moore, Niemi, Owen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules.

March 1, 1989

GA 9071 MARGARET T. STANLEY, appointed October 1, 1988, for a term ending at the Governor's pleasure, as Administrator of the Washington State Health Care Authority.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Fleming, Gaspard, Lee, Moore, Niemi, Owen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules.

March 1, 1989

GA 9079 RICHARD A. VIRANT, reappointed March 1, 1987, for a term ending March 1, 1987, as a member of the Tax Appeals Board.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Fleming, Gaspard, Lee, Moore, Niemi, Owen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules.

## MOTION

At 11:35 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9048, W. Kelley Moldstad, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

## APPOINTMENT OF W. KELLEY MOLDSTAD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Conner, Fleming, Madsen, McMullen, Metcalf, Sutherland - 6.

Excused: Senator DeJarnatt - 1.

## MOTIONS

On motion of Senator Bender, Senators Conner, Fleming, Madsen and McMullen were excused.

On motion of Senator Anderson, Senator Metcalf was excused.

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9062, James E. Sherrill, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

## APPOINTMENT OF JAMES E. SHERRILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Vognild - 1.

Excused: Senators Conner, DeJarnatt, Fleming, Madsen, McMullen, Metcalf - 6.

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9063, Kathy Simonis, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

## APPOINTMENT OF KATHY SIMONIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

## SECOND READING

SENATE BILL NO. 5193, by Senators Amondson, Madsen, Anderson, Newhouse, Kreidler, McMullen, Talmadge and Warnke

Revising provisions of the optometry statutes.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment be adopted:

On page 1, line 14, after "purposes" insert ", except for the treatment of diabetes, glaucoma, herpes of the eye, hypertension, cancer, acquired immune deficiency syndrome and iritis of the eye due to rheumatoid arthritis."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Wojahn on page 1, line 14, to Substitute Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bluechel, Craswell, Hansen, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Niemi, Patterson, Rasmussen, Sellar, Stratton, Thorsness, Vognild, West, Williams, Wojahn - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Newhouse, Owen, Pullen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, von Reichbauer, Warnke - 29.

Excused: Senator DeJarnatt - 1.

#### MOTION

Senator West moved that the following amendment be adopted:

On page 1, line 27, after "section" insert ": PROVIDED, HOWEVER, That nothing in this chapter shall be construed to authorize optometrists to perform surgical operations or to provide, without the onsite supervision of a licensed physician, pre-operative diagnosis or post-operative care"

Debate ensued.

#### POINT OF INQUIRY

Senator Stratton: "Senator Amondson, are you actually saying, by speaking against this amendment, that we are going to be allowing optometrists to perform surgery?"

Senator Amondson: "No, I'm not."

Further debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Kreidler, do you do surgical incisions on the eye?"

Senator Kreidler: "No, I do not."

Senator Wojahn: "Does any ophthalmologist do surgical cutting into the eye--that's what this amendment suggests?"

Senator Kreidler: "Ophthalmologists do."

Senator Wojahn: "Do Optometrists?"

Senator Kreidler: "Optometrists do not."

Senator Wojahn: "Then, why are you objecting to this amendment? It says you may not do surgery. You say you don't do surgery. You probably don't want to do surgery. What is wrong with this amendment?"

Senator Kreidler: "This amendment, as you will read it says, 'authorize optometrists to perform surgical operations,' but it goes on further to describe specifically pre-operative and post-operative diagnosis and or post-operative care. That portion of it was addressed in a formal AGO that came down and said the optometrists already had that authority. This amendment would go much further than talking about surgery, which clearly is not authorized by the bill in front of us."

Senator Wojahn: "Do you have a copy of that informal opinion? Was that submitted by the Attorney General of the state of Washington? I know there was one that was written by an Attorney General outside the state."

Senator Kreidler: "There was an AGO, a formal AGO, that was prepared by the Washington State Attorney General's office."

Senator Wojahn: "Would you see that every member of this body gets a copy of that?"

Senator Kreidler: "I'd be pleased to do that."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 1, line 27, to Substitute Senate Bill No. 5193.

The motion by Senator West failed and the amendment was not adopted.

#### MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 1, line 29, after "system" insert ": PROVIDED, That nothing in this chapter shall be construed to allow optometrists licensed pursuant to this chapter to perform differential diagnoses of diseases of the body which require treatment by means other than drugs applied topically to the eye"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rasmussen on page 1, line 29, to Substitute Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Barr, Bluechel, Craswell, Hansen, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Niemi, Rasmussen, Sellar, Smith, Stratton, Thorsness, Vogniid, West, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Smitherman, Sutherland, Talmadge, von Reichbauer, Warnke - 28.

Excused: Senator DeJarnatt - 1.

#### MOTION

Senator Sellar moved that the following amendment be adopted:

On page 2, line 7, after "board" insert "including the successful completion of a comprehensive examination jointly prepared by the board, the board of pharmacy and the board of medical examiners"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 2, line 7, to Substitute Senate Bill No. 5193.

The motion by Senator Sellar failed and the amendment was not adopted.

#### MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 2, line 17, after "optometrist," insert "Optometrists certified pursuant to subsection (4) of this section shall be subject to continuing education requirements, as developed by the board by rule, equivalent in subject, frequency and sanctions to the continuing education requirements for licensed physicians provided for in statute, and by pursuant rule, as set forth in 18.71.080 RCW."

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Amondson, I'm not going to shave, but if you get cross-eyed would you go to an ophthalmologist or an optometrist?"

Senator Amondson did not reply.

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Wojahn on page 2, line 17, to Substitute Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bluechel, Craswell, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Niemi, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, Vognild, West, Williams, Wojahn - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Cantu, Conner, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Newhouse, Owen, Patterson, Pullen, Rinehart, Smitherman, Sutherland, Talmadge, von Reichbauer, Warnke - 29.

Excused: Senator DeJarnatt - 1.

#### MOTION

Senator Nelson moved that the rules be suspended and Substitute Senate Bill No. 5193 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Nelson to suspend the rules and advance Substitute Senate Bill No. 5193 to third reading and final passage.

#### ROLL CALL

The Secretary called the roll and the motion to suspend the rules, having received the constitutional two-thirds majority, carried by the following vote: Yeas, 31; nays, 15; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Cantu, Conner, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, von Reichbauer, Warnke - 31.

Voting nay: Senators Bluechel, Craswell, Hayner, Matson, Metcalf, Nelson, Niemi, Rasmussen, Sellar, Stratton, Thorsness, Vognild, West, Williams, Wojahn - 15.

Absent: Senators McCaslin, McDonald - 2.

Excused: Senator DeJarnatt - 1.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5193.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Cantu, Conner, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Newhouse, Owen, Patterson, Pullen, Rinehart, Smith, Smitherman, Sutherland, Talmadge, von Reichbauer, Warnke - 30.

Voting nay: Senators Bluechel, Craswell, Hayner, Matson, McDonald, Metcalf, Nelson, Niemi, Rasmussen, Saling, Sellar, Stratton, Thorsness, Vognild, West, Williams, Wojahn - 17.

Excused: Senators DeJarnatt, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5098, by Senators Benitz, Stratton, Bluechel, Sutherland, Newhouse, Warnke, von Reichbauer, Matson, Vognild, Smitherman, Johnson, Bauer, Sellar, Saling and Madsen

Regulating telecommunication companies.

#### MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the following amendment was adopted:

On page 2, line 35, after "RCW 80.36.300" strike the comma and insert "and"

On motion of Senator Benitz, the following amendment was adopted:

On page 2, line 35, after "this section" strike ", and section 3 of this act"

On motion of Senator Benitz, the following amendments by Senators Benitz, Stratton and Sutherland were considered simultaneously and were adopted:

On page 8, line 36, after "whatsoever," strike all material through and including "company," on page 9, line 2

On page 9, line 8, after "80.36.330," strike all material through "jurisdiction," on line 10

On page 9, after line 29, insert the following:

"NEW SECTION, Sec. 6. A new section is added to chapter 80.36 RCW to read as follows:

Notwithstanding any other provision of this chapter, no telecommunications company shall offer a discounted message toll service based on volume that prohibits aggregation of volumes across all territory with respect to which that company functions as an interexchange carrier. The commission shall continue to have the authority to require state-wide, averaged toll rates to be made available by any telecommunications company subject to its jurisdiction."

Re-number the sections consecutively and correct any internal references accordingly.

On page 10, line 3, after "disadvantage," strike all material through "commission," on line 6, and insert "The commission shall have primary jurisdiction to determine whether any rate, regulation, or practice of a telecommunications company violates this section."

On motion of Senator Benitz, the following amendment by Senators Benitz, Stratton and Sutherland was adopted:

On page 21, after line 18, insert the following:

"Sec. 17. Section 44, chapter 450, Laws of 1985 and RCW 80.36.901 are each amended to read as follows:

The legislature shall conduct an intensive review of chapter 450, Laws of 1985 during the ((1989-1991)) 1991-1993 biennium to determine whether the purposes of chapter 450, Laws of 1985 have been achieved and if further relaxation of regulatory requirements is in the public interest."

#### MOTION

Senator Williams moved that the following amendment be adopted:

On page 21, after line 18, insert the following:

"NEW SECTION, Sec. 17. Section 12 of this 1989 amendatory act shall take effect July 1, 1990."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 21, after line 18, to Substitute Senate Bill No. 5098.

The motion by Senator Williams failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 4 of the title, strike "and 80.04.110" and insert "80.04.110, and 80.36.901"

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute Senate Bill No. 5098 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5098.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Paterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West - 44.

Voting nay: Senators Rasmussen, Williams, Wojahn - 3.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5098, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:46 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Monday, March 6, 1989.

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

## FIFTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 6, 1989

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming and Wojahn. On motion of Senator Bender, Senators DeJarnatt, Fleming and Wojahn were excused.

Eagle Scouts Sean Sutton and Josef Eichinger presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Lacey, offered the prayer.

#### MOTION

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

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8634

by Senators Thorsness, Anderson, Amondson, Rasmussen, Murray and Sutherland

WHEREAS, Scouting has been an integral part of the building of character in youth for nearly eighty years; and

WHEREAS, Tom Winsor of Ferndale, Washington has participated in scouting since 1914, has been registered as a scout longer than anyone in the state, and during his career in scouting has earned several honors; and

WHEREAS, Rufus Kiser of Centralia, Washington, has participated in scouting since 1917, received his Eagle Scout award in 1928, and has served as an active scout master since 1934, has received scouting's Silver Beaver and Distinguished Scout awards, and is in the top ten of longest tenured scouts in the state; and

WHEREAS, Scouting maintains a strong presence through four hundred and eleven local councils across the United States; and

WHEREAS, Eighty-one million Americans have been members of the Boy Scouts of America since its incorporation in the United States in 1910; and

WHEREAS, The state of Washington is served by twelve councils, each sending a representative to Olympia to make their annual report to the Governor; and

WHEREAS, The scouting program begins with youth at age seven and continues through the Explorer Scout program that involves youth between ages fourteen and twenty-one; and

WHEREAS, The scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent; and

WHEREAS, Many of our state and national leaders have participated in the Boy Scout program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud Tom Winsor, Rufus Kiser, and Eagle Scouts visiting the Legislature today, those members of the Senate who have participated in the Boy Scout program, the twelve councils serving Washington State and the Boy Scouts of America, for the service and benefit to the youth of this state; and

BE IT FURTHER RESOLVED, That the members of this body encourage support in their home districts for scouting programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Tom Winsor, Rufus Kiser, the National Office of the Boy Scouts of America in Irving, Texas; the Western Regional Office of the Boy Scouts of



America in Sunnyvale, California; and the twelve Boy Scout councils serving Washington State.

Senators Stratton and Sutherland spoke to Senate Resolution 1989-8634.

#### INTRODUCTION OF SPECIAL GUESTS

Senator Neil Amondson introduced Scout Rufus Kiser of Centralia, Washington, who was seated on the rostrum.

Senator Ann Anderson introduced Scout Tom Winsor, who was seated on the rostrum.

The President introduced Eagle Scout David Vance from Kennewick, Washington, one of twelve scouts visiting the capital today to give the annual report on scouting to Governor Gardner.

With permission of the Senate, business was suspended to permit Eagle Scout Vance to address the Senate.

Eagle Scout Vance escorted Rufus Kiser and Tom Winsor from the Senate Chamber.

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 24, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James Cason, appointed February 24, 1989, for a term ending December 31, 1991, as a member of the Investment Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

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

#### MESSAGE FROM THE HOUSE

March 3, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1445,

HOUSE BILL NO. 1447,

SUBSTITUTE HOUSE BILL NO. 1452,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1445 by Representatives Inslee, Jacobsen, Heavey, Kremen, Winsley, Rector, Nelson, Wang, Fraser, Leonard, Prentice, Sayan, Dellwo, Sprenkle, Spanel, Basich, Brekke and H. Myers (by request of Governor Gardner)

Authorizing financial aid to needy students enrolled on at least a half-time basis.

Referred to Committee on Higher Education.

HB 1447 by Representatives Hargrove, Jones, Belcher, Beck and Brumsickle  
Revising advertising and sale requirements for valuable materials.

Referred to Committee on Environment and Natural Resources.

SHB 1452 by Committee on Commerce and Labor (originally sponsored by  
Representatives O'Brien, Patrick, R. King, Sayan, Leonard, Cole,  
Heavey and Vekich)

Providing for notice of temporary total disability to the employment security  
department.

Referred to Committee on Economic Development and Labor.

E2SHB 1793 by Committee on Appropriations (originally sponsored by Repre-  
sentatives Ebersole, Appelwick, Patrick, Wolfe, Haugen, Tate,  
Crane, Ballard, Brekke, Bowman, Sayan, Brumsickle, Walk,  
Wood, Dorn, Horn, Valle, Youngsman, Wang, McLean,  
Cantwell, Basich, Day, Brough, R. Meyers, Rayburn, Moyer,  
Peery, Winsley, Rasmussen, May, R. Fisher, Holland, Sprenkle,  
Miller, Rector, S. Wilson, Baugher, Chandler, Cooper, Schmidt,  
Raiter, Betzoff, Pruitt, Walker, H. Myers, Nealey, Heavey,  
Brooks, Ferguson, Padden, Doty, Fuhrman, Van Luven, Silver,  
D. Sommers, Beck, Spanel, Dellwo, Scott, Inslee, Todd, Morris,  
K. Wilson, Gallagher, Prince, P. King, O'Brien, Jones, Smith, Hine  
and G. Fisher)

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

HOLD.

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

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9065, T. W. Small, Jr., as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

Senator Sellar spoke to the confirmation of T. W. Small, Jr. as a member of the Board of Trustees for Wenatchee Valley Community College.

### APPOINTMENT OF T. W. SMALL, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Absent: Senators Benitz, Matson - 2.

Excused: Senators DeJarnatt, Fleming, Wojahn - 3.

### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9074, Reverend William J. Sullivan, as a member of the Higher Education Facilities Authority, was confirmed.

### APPOINTMENT OF REVEREND WILLIAM J. SULLIVAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Fleming, Wojahn - 3.

#### SECOND READING

SENATE BILL NO. 5297, by Senators DeJarnatt and McCaslin

Disallowing secret ballot voting at open public meetings.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5297 was substituted for Senate Bill No. 5297 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5297 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5297.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 46.

Excused: Senators DeJarnatt, Fleming, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5297, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Metcalf was excused.

#### SECOND READING

SENATE BILL NO. 5299, by Senators Thorsness, DeJarnatt, Rasmussen and Smith (by request of Secretary of State)

Permitting voters to receive assistance in voting.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5299.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Metcalf - 3.

SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5030, by Senators Pullen and Niemi

Clarifying language relating to writs of certiorari.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5030 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5030.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Amondson - 1.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5030, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5686, by Senators Barr, Hansen, Newhouse, Bailey, Anderson and Gaspard

Making major changes to agriculture statutes.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5686 was substituted for Senate Bill No. 5686 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5686 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5686.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5686 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5686, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5983, by Senator Newhouse

Authorizing the superior court to retain for hearing water rights cases involving more than one thousand named defendants that would otherwise be referred to a referee.

The bill was read the second time.

## MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5983 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5983.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5983 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5983, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5633, by Senators Moore and Bailey

Establishing a foreign language pilot program for elementary schools.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5633 was substituted for Senate Bill No. 5633 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5633 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Smitherman: "Senator Bailey, do you find that the funding that is being advocated for the Schools of the 21st Century is adequate to carry on the programs that are available now in the language area?"

Senator Bailey: "Both of us visited the school that had Spanish speaking K through 6 in the school, and it was very well done, and I support that. I think this allows schools that are outside of the existing pilot programs for the Schools for the 21st Century to begin a pilot model for either the Pacific Rim countries or the South American countries--Spanish or Japanese."

Senator Smitherman: "OK, but Senator, calling to your attention that there's another school in Tacoma--you were talking about McCarver Elementary--there was another school sponsored by Titus-Will, television programs and other areas that advertises Schools of the 21st Century. I actually served on their board and they are specializing in Japanese and Chinese. Again, they complain about the lack of funding and I'm wondering to what extent funds are going to be available for those Schools for the 21st Century who are currently offering programs in foreign languages and are crying for more money for funding."

Senator Bailey: "You know, of course, I can't tell you what will come before this body as far as funding for the Schools for the 21st Century, but as I read the Governor's proposals, there's very adequate funding for those language issues."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5633.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson,

McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5633, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5293, by Senator Conner

Establishing college classes in Clallam or Jefferson county.

#### MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5293 was substituted for Senate Bill No. 5293 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5293.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 46.

Absent: Senator Williams - 1.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5293, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5874, by Senators Wojahn, von Reichbauer, Johnson, Madsen, Rasmussen, Gaspard, Smitherman, McCaslin, DeJarnatt, Owen, Thorsness and Sutherland

Providing for a maritime commemorative observance.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5874 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5874.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5874, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5966, by Senators Rinehart, Murray, Smitherman and McMullen

Providing the same family leave for adoptive parents as for birth parents.

The bill was read the second time.

#### MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 5966 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5966.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5966 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators McCaslin, McDonald - 2.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5966, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Newhouse, the Senate resumed consideration of Senate Bill No. 5597, deferred on third reading March 3, 1989.

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

#### MOTION

On motion of Senator Nelson, the rules were suspended and Senate Bill No. 5597 was returned to second reading and read the second time.

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson be adopted:

On page 1, after line 21, insert the following:

"Sec. 3. Section 2, chapter 27, Laws of 1981 and RCW 7.72.010 are each amended to read as follows:

For the purposes of this chapter, unless the context clearly indicates to the contrary:

(1) Product seller. "Product seller" means any person or entity that is engaged in the business of selling products, whether the sale is for resale, or for use or consumption. The term includes a manufacturer, wholesaler, distributor, or retailer of the relevant product. The term also includes a party who is in the business of leasing or bailing such products. The term "product seller" does not include:

(a) A seller of real property, unless that person is engaged in the mass production and sale of standardized dwellings or is otherwise a product seller;

(b) A provider of professional services who utilizes or sells products within the legally authorized scope of the professional practice of the provider;

(c) A commercial seller of used products who resells a product after use by a consumer or other product user: PROVIDED, That when it is resold, the used product is in essentially the same condition as when it was acquired for resale; ~~(and)~~

(d) A finance lessor who is not otherwise a product seller. A "finance lessor" is one who acts in a financial capacity, who is not a manufacturer, wholesaler, distributor, or retailer, and

who leases a product without having a reasonable opportunity to inspect and discover defects in the product, under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(e) A licensed pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed prescribing practitioner.

(2) **Manufacturer.** "Manufacturer" includes a product seller who designs, produces, makes, fabricates, constructs, or remanufactures the relevant product or component part of a product before its sale to a user or consumer. The term also includes a product seller or entity not otherwise a manufacturer that holds itself out as a manufacturer.

A product seller acting primarily as a wholesaler, distributor, or retailer of a product may be a "manufacturer" but only to the extent that it designs, produces, makes, fabricates, constructs, or remanufactures the product for its sale. A product seller who performs minor assembly of a product in accordance with the instructions of the manufacturer shall not be deemed a manufacturer. A product seller that did not participate in the design of a product and that constructed the product in accordance with the design specifications of the claimant or another product seller shall not be deemed a manufacturer for the purposes of RCW 7.72.030(1)(a).

(3) **Product.** "Product" means any object possessing intrinsic value, capable of delivery either as an assembled whole or as a component part or parts, and produced for introduction into trade or commerce. Human tissue and organs, including human blood and its components, are excluded from this term.

The "relevant product" under this chapter is that product or its component part or parts, which gave rise to the product liability claim.

(4) **Product liability claim.** "Product liability claim" includes any claim or action brought for harm caused by the manufacture, production, making, construction, fabrication, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, storage or labeling of the relevant product. It includes, but is not limited to, any claim or action previously based on: Strict liability in tort; negligence; breach of express or implied warranty; breach of, or failure to, discharge a duty to warn or instruct, whether negligent or innocent; misrepresentation, concealment, or nondisclosure, whether negligent or innocent; or other claim or action previously based on any other substantive legal theory except fraud, intentionally caused harm or a claim or action under the consumer protection act, chapter 19.86 RCW.

(5) **Claimant.** "Claimant" means a person or entity asserting a product liability claim, including a wrongful death action, and, if the claim is asserted through or on behalf of an estate, the term includes claimant's decedent. "Claimant" includes any person or entity that suffers harm. A claim may be asserted under this chapter even though the claimant did not buy the product from, or enter into any contractual relationship with, the product seller.

(6) **Harm.** "Harm" includes any damages recognized by the courts of this state: PROVIDED, That the term "harm" does not include direct or consequential economic loss under Title 62A RCW."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Nelson on page 1, after line 21, to Senate Bill No. 5597.

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

#### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:  
On page 1, line 1 of the title, after "pharmacists;" insert "amending RCW 7.72.010;"

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5597 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5597.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn

- 48.

Excused: Senator DeJarnatt - 1.



ENGROSSED SENATE BILL NO. 5597, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5614, by Senators West, Johnson and Wojahn  
Monitoring a substance abuse program for dentists.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5614 was substituted for Senate Bill No. 5614 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5614 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Stratton: "Senator West, would this bill then include optometrists, seeing as how we gave them the right to use drugs yesterday, too--in case they need it?"

Senator West: "This bill will include podiatrists, optometrists, anybody else that wants it. I'll always yield to a question from the honorable Senator from the third district of Spokane."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5614.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5614, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5631, by Senators West, Smitherman, Anderson, Warnke, Lee, Saling and Smith

Creating an interstate trade compact.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendments were considered simultaneously and were adopted:

On page 2, line 1, after "established," strike "The governor of each" and insert "Each"

On page 2, line 25, after "appointment" insert "except that the governor shall initially designate one appointed member to serve a term ending January 15 of the second year following appointment"

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5631 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5631.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5631, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Joint Memorial No. 8010.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8010, by Senators West, Smitherman, Warnke, Anderson, Lee, Saling, Matson and Smith

Requesting Idaho and Oregon to enter into the joint trade compact.

The joint memorial was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, Senate Joint Memorial No. 8010 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8010.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8010 and the joint memorial passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Fleming - 1.

Excused: Senator DeJarnatt - 1.

SENATE JOINT MEMORIAL NO. 8010, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5656, by Senators Lee, Smitherman, McMullen and Matson

Limiting the amount of surety liability.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5656 was substituted for Senate Bill No. 5656 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5656 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5656.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5656 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5656, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5668, by Senators Pullen and Talmadge

Providing for venue of juvenile proceedings.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5668 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5668.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5668 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5668, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5676, by Senators Cantu, Bender, Patterson and McDonald

Designating state route number 901 a scenic highway.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5676 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5676.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5676, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5680, by Senators McCaslin, DeJarnatt and Thorsness (by request of State Auditor)

Deleting obsolete language from the Revised Code of Washington.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5680 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5680.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5680, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5700, by Senators von Reichbauer, Moore and Sellar (by request of Department of General Administration)

Cleaning up provisions of Title 30 RCW.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5700 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5700.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5700 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5700, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5701, by Senators von Reichbauer, Moore and Sellar (by request of Department of General Administration)

Regulating financial institutions.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5701 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5701.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5701, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Owen was excused.

## SECOND READING

SENATE BILL NO. 5733, by Senators Nelson, Talmadge and Newhouse

Modifying the statute pertaining to trademark registration.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5733 was substituted for Senate Bill No. 5733 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen the rules were suspended, Substitute Senate Bill No. 5733 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5733.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5733, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5807, by Senators Pullen, Talmadge, Rasmussen, Fleming, Warnke, Metcalf, Newhouse, Niemi and Kreidler

Protecting Indian and historic graves.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5807 was substituted for Senate Bill No. 5807 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5807 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5807.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5807 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, McCall, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5807, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8623

by Senators Sutherland, Bauer and Smith

WHEREAS, Mitzi Mauldin, as a student of cosmetology at the Clark County Vocational Skills Center, won a first place medal in her cosmetology category's competition with twenty-five Vocational-Industrial Club of America members; and

WHEREAS, Mitzi Mauldin won a first place medal in state competition with Vocational-Industrial Club of America cosmetology members; and

WHEREAS, Mitzi Mauldin won second place honors in the United States skills Olympics in her category of cosmetology; and

WHEREAS, This victory earned her the opportunity to compete for a place on the 1989 United States International Youth Skills Olympic Team; and

WHEREAS, Mitzi Mauldin won a place on that team which will represent the United States of America in competition at Birmingham, England; and

WHEREAS, After completing her study in 1987, Mitzi is employed as a hair stylist, and is highly praised by her manager and respected by her peers; and

WHEREAS, Mitzi Mauldin is serving with distinction on the Clark County Vocational Skills Center Cosmetology Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington salutes Mitzi Mauldin for her achievements as a vocational student in regional, state, and national competition, and wishes her good luck in representing the United States of America and the state of Washington in the Thirtieth Annual International Youth Skills Olympics; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Mitzi Mauldin of Vancouver and to Mike Bjur, Director of the Clark County Vocational Skills Center.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Sutherland, where will this Mitzi Mauldin be practicing--with what group of cosmetologists? Do you know?"

Senator Sutherland: "She'll be practicing in the state of Alabama in June of this year, for a week or so, then she'll be going on to England in August."

Senator Wojahn: "And she won't be coming back to the state of Washington to open her shop?"

Senator Sutherland: "As a matter of fact, she is currently a manager in a shop in Clark County, and is planning to get married in October. Her fiancee was with her today, so they do plan on residing in Clark County."

Senator Wojahn: "I hope she comes to Tacoma. We are finding we have a dirth of good hair dressers, believe me."

Senator Sutherland: "Well Senator, her husband is looking for a job with United Airlines, so if you have something to offer, they may just move there."

#### MOTION

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

#### MOTIONS

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5525.

On motion of Senator Newhouse, Senate Bill No. 5525 was referred to the Committee on Rules.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Gubernatorial Appointment No. 9122, James Cason as a member of the Investment Board.

On motion of Senator Newhouse, Gubernatorial Appointment No. 9122, James Cason as a member of the Investment Board, was referred to the Committee on Financial Institutions and Insurance.

#### MOTIONS

On motion of Senator Vognild, Senator Bauer was temporarily appointed as a member of the Committee on Environment and Natural Resources, replacing Senator DeJarnatt.

On motion of Senator Vognild, Senator Sutherland was temporarily appointed as a member of the Committee on Transportation, replacing Senator DeJarnatt.

#### MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 7:27 p.m. by President Pritchard.

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

#### REPORTS OF STANDING COMMITTEES

March 6, 1989

SB 5002 Prime Sponsor, Senator Lee: Establishing the international policy advisory council. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5002 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5011 Prime Sponsor, Senator Newhouse: Providing for allocation of assets of an institutionalized spouse. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5011 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5027 Prime Sponsor, Senator Smith: Changing the definition of "service" for PERS. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5065 Prime Sponsor, Senator Craswell: Creating a citizen review board system for cases involving substitute care of children. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5065 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Saling, Smith, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5073 Prime Sponsor, Senator Pullen: Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5073 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Lee, Matson, Owen, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5111 Prime Sponsor, Senator Pullen: Modifying work release provisions. Reported by Committee on Law and Justice  
Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5111 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5140 Prime Sponsor, Senator McCaslin: Changing provisions relating to state personnel administration. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling, Smith, Wojahn.

MINORITY recommendation: That it not be substituted and do not pass. Signed by Senators Fleming, Gaspard, Moore, Niemi, Owen, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.



March 6, 1989

SB 5145 Prime Sponsor, Senator Smith: Licensing adult family homes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5145 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5174 Prime Sponsor, Senator Benitz: Furthering the state hydropower plan. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5174 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5177 Prime Sponsor, Senator Barr: Establishing the rural health system project. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5177 be substituted therefor, and the second substitute do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5182 Prime Sponsor, Senator Barr: Establishing a loan forgiveness program for rural health professionals. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5182 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5203 Prime Sponsor, Senator Anderson: Establishing the Washington state self-employment loan program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5203 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Matson, Newhouse, Saling, Williams.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5204 Prime Sponsor, Senator Anderson: Permitting the establishment of business and industrial development corporations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5215 Prime Sponsor, Senator Saling: Authorizing financial aid to needy students enrolled on at least a half-time basis. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5218 Prime Sponsor, Senator Saling: Modifying bonds and bond issuance authority of the state finance committee. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5221 Prime Sponsor, Senator Saling: Establishing the advance college payment program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5221, as recommended by Committee on Higher Education, be substituted therefor and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5225 Prime Sponsor, Senator Saling: Creating the Spokane intercollegiate research and technology institute. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5225 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Saling, Smith.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5232 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5233 Prime Sponsor, Senator Pullen: Changing provisions relating to the crime of burglary. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5241 Prime Sponsor, Senator Anderson: Promoting small business growth. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5241 be substituted therefor, as recommended by Committee on Economic Development and Labor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5268 Prime Sponsor, Senator Benitz: Providing for the expenditure surcharges assessed on radioactive waste disposal. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5268 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5294 Prime Sponsor, Senator Newhouse: Modifying the business and occupation tax on low-level waste. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5294 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5364 Prime Sponsor, Senator Metcalf: Addressing plastic debris in marine environment. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5372 Prime Sponsor, Senator Bluechel: Revising laws concerning recreational boating. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5372 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Lee, Moore, Owen, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5374 Prime Sponsor, Senator Cantu: Authorizing issuance of public waste disposal general obligation bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5375 Prime Sponsor, Senator Pullen: Establishing a DNA identification system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5375 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Saling, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5378 Prime Sponsor, Senator Metcalf: Enacting the wetland management act of 1989. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5378 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5384 Prime Sponsor, Senator Patterson: Exempting state ferry fuel from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Smith, Williams.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5385 Prime Sponsor, Senator Vognild: Providing for collection and analysis of hospital data. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5385 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5405 Prime Sponsor, Senator Owen: Providing senior citizens and disabled persons exemption thresholds for the leasehold excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5430 Prime Sponsor, Senator Kreidler: Adding provisions regarding the state retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5431 Prime Sponsor, Senator Bauer: Exempting property from the leasehold excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5437 Prime Sponsor, Senator Lee: Changing provisions relating to the productivity board. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5454 Prime Sponsor, Senator Wojahn: Creating a department of health. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5454 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5516 Prime Sponsor, Senator Wojahn: Regarding the disabilities land trust. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5516 as recommended by Committee on Health Care and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5519 Prime Sponsor, Senator Rinehart: Regarding collaborative projects between higher education institutions, schools, and school districts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5531 Prime Sponsor, Senator Gaspard: Revising provisions for the award for excellence in education program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5590 Prime Sponsor, Senator Conner: Making changes to the firefighters relief and pension fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5616 Prime Sponsor, Senator McDonald: Regarding the identification of levy reduction funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 3, 1989

SB 5624 Prime Sponsor, Senator Craswell: Regarding high-risk youth. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5624 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Lee, Matson, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5651 Prime Sponsor, Senator Pullen: Continuing the homicide information and tracking system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5651 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5660 Prime Sponsor, Senator Niemi: Providing grants for child care resource and referral programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5660 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5697 Prime Sponsor, Senator Williams: Creating the heritage commission. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5697 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5699 Prime Sponsor, Senator Williams: Extending the historic property tax exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5714 Prime Sponsor, Senator Benitz: Increasing the building code council fee on building permits. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5714 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Fleming, Johnson, Lee, Moore, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5761 Prime Sponsor, Senator Pullen: Changing provisions relating to disclosure of information by the state patrol. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5761 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5822 Prime Sponsor, Senator Cantu: Reforming prevailing wage statutes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5822 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling.

MINORITY recommendation: That it not be substituted. Signed by Senators Bauer, Fleming, Gaspard, Moore, Niemi, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1989

SB 5826 Prime Sponsor, Senator Bauer: Extending the student teaching pilot projects until December 1990. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5851 Prime Sponsor, Senator Smith: Establishing the emergency school building fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5851 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling, Smith.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5964 Prime Sponsor, Senator Hayner: Providing a use tax exemption for personal property donated to colleges and universities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5964 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.



March 6, 1989

SB 5975 Prime Sponsor, Senator Saling: Providing for higher education access. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5975 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Saling, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 5999 Prime Sponsor, Senator Cantu: Establishing a financial partnership plan for the department of social and health services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5999 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bluechel, Cantu, Hayner, Johnson, Matson, Newhouse, Owen, Saling, Smith.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Gaspard, Moore, Niemi, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1989

SB 6051 Prime Sponsor, Senator Anderson: Promoting employer involvement in the development of child care services and facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6051 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Fleming, Lee, Matson, Owen, Saling, Smith, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1989

SJR 8216 Prime Sponsor, Senator Hayner: Modifying investment requirements of trust funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling.

Passed to Committee on Rules for second reading.

## MOTION

At 7:30 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, March 7, 1989.

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

## FIFTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 7, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Fleming, Hansen, Johnson, McDonald and Paterson. On motion of Senator Bauer, Senators Bender, DeJarnatt and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Debbie Noe and Jason West, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Lacey, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 6, 1989

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1458,

HOUSE BILL NO. 1465,

HOUSE BILL NO. 1467,

HOUSE BILL NO. 1478,

HOUSE BILL NO. 1524,

SUBSTITUTE HOUSE BILL NO. 1562,

SUBSTITUTE HOUSE BILL NO. 1630,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1822, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1458 by Committee on Health Care (originally sponsored by Representatives Grant, Brooks, Braddock and Sprengle) (by request of Department of Corrections)

Regarding corrections and the intrastate compact.

Referred to Committee on Health Care and Corrections.

HB 1465 by Representatives R. Meyers, Schmidt, Walk, Heavey, D. Sommers, Cooper, Jones and Betrozoff (by request of Legislative Transportation Committee)

Making technical corrections in driver and vehicle licensing laws.

Referred to Committee on Transportation.

HB 1467 by Representatives Baugher, Prince, Schmidt, Walk, Cantwell, Zellinsky, Day and Winsley (by request of Legislative Transportation Committee)

Creating the transportation capital facilities account.

Referred to Committee on Transportation.

HB 1478 by Representatives Braddock, Brooks and D. Sommers (by request of Board of Pharmacy)

Regulating the board of pharmacy.

Referred to Committee on Health Care and Corrections.

HB 1524 by Representatives Nelson, Brooks and Braddock (by request of Department of Corrections)

Changing provisions relating to Washington state correctional industries.

Referred to Committee on Health Care and Corrections.

SHB 1562 by Committee on Health Care (originally sponsored by Representatives Sayan and Prentice) (by request of Department of Social and Health Services)

Providing for sanitary control of shellfish.

Referred to Committee on Environment and Natural Resources.

SHB 1630 by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Leonard, Todd and Brough)

Clarifying the property status of manufactured homes.

Referred to Committee on Transportation.

ESHB 1822 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Rector, Miller, H. Myers, Wood, Jesernig, Ebersole, Wineberry, Appelwick, R. Fisher, Betzoff, Cole, Prince, Nelson, H. Sommers, Peery, Rasmussen, Wang, Dellwo, Ferguson, Gallagher, May, P. King, Walker, Hankins, Sprengle, Cantwell, Day, Nutley, D. Sommers, Moyer, Anderson, Silver, Nealey, Dorn, Todd, Holland, Brooks, G. Fisher, Heavey, Walk, Grant, Pruitt, Winsley, Valle, K. Wilson, Schoon, Morris, Hine, Horn, R. Meyers, Scott, Brekke, Tate, Bristow, Wolfe, Patrick and Brumsickle)

Enhancing access to upper division and graduate level higher education programs.

Referred to Committee on Higher Education.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9088, Carol B. James, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF CAROL B. JAMES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Hansen, Johnson, McDonald, Patterson - 4.

Excused: Senators Bender, DeJarnatt, Fleming - 3.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9078, Barbara Vanderkolk, as a member of the Pharmacy Board, was confirmed.

APPOINTMENT OF BARBARA VANDERKOLK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald,

McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Hansen, Matson, Sellar - 3.

Excused: Senators Bender, DeJarnatt, Fleming, Patterson - 4.

#### MOTION

On motion of Senator Warnke, Senator Madsen was excused.

#### SECOND READING

SENATE BILL NO. 5858, by Senators McCaslin, Murray and Bailey

Regarding meetings of school directors.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5858 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5858.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5858 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bender, DeJarnatt, Fleming, Madsen, Patterson - 5.

SENATE BILL NO. 5858, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5864, by Senators Pullen, Talmadge, Newhouse, McCaslin and Madsen

Changing provisions relating to satisfaction of judgments.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5864 was substituted for Senate Bill No. 5864 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5864 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5864.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5864 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator McMullen - 1.

Excused: Senators Bender, DeJarnatt, Fleming, Madsen - 4.

SUBSTITUTE SENATE BILL NO. 5864, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5888, by Senators Smith and DeJarnatt

Extending exemptions for Mt. St. Helens recovery operations.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5888 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5888.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5888 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Talmadge - 1.

Excused: Senators Bender, DeJarnatt, Fleming, Madsen - 4.

SENATE BILL NO. 5888, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5889, by Senators Barr, Talmadge, Benitz, Madsen and Hansen

Authorizing entities furnishing utility services to assist their customers in water conservation.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I heard you talking about water conservation. Would this authorize dams on the Snoqualmie River, which, of course, has been flooding the lowlands for many years, and additional dams in order to provide more water for Seattle? This is what I'm wondering. They're needed, of course, but they need some authorization. Every time somebody tries to put a dam in to conserve water, they stand in the way of it."

Senator Talmadge: "Senator, this is a little bit simpler bill, a little bit narrower in it's focus. It simply permits utilities to provide some assistance to rate payers in Tacoma, in Seattle, and other parts of the state--the rate payers who are paying increasingly high water bills--to give them some assistance in having more efficient fixtures, more efficient water use devices, so that their rates will stay low. It doesn't speak to the other issue, but I believe Senator Barr and the members of the Water Resource Policy Committee have been working on questions like water storage, and the availability of water systems. That's an issue yet to come. This is a little bit more narrowly focused."

Senator Rasmussen: "The constitutional amendment will handle that?"

Senator Talmadge: "The constitutional amendment will deal only with the water use efficiency. Senator Barr's working on a water use policy issue that may address some of the questions you are talking about, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5889.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Madsen - 3.

SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Matson was excused.

#### SECOND READING

SENATE BILL NO. 5907, by Senators Hansen, Barr and Benitz

Changing provisions relating to annexations and incorporations involving a portion of a fire protection district.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5907 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5907.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5907 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Madsen, Matson - 4.

SENATE BILL NO. 5907, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5950, by Senators Talmadge, Bailey and Bauer

Extending the statute of limitations in child sexual abuse cases.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5950 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5950.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5950 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Madsen, Matson - 4.

SENATE BILL NO. 5950, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5991, by Senators Pullen, Talmadge, Amondson and Rasmussen

Protecting state employees from assaults by juvenile offenders.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5991 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5991.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators McCaslin, Vogndild - 2.

Excused: Senators DeJarnatt, Fleming, Madsen, Matson - 4.

SENATE BILL NO. 5991, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5993, by Senators Benitz, Stratton, Newhouse and Hayner

Transferring certain lands at Hanford to the department of trade and economic development.

#### MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5993 was substituted for Senate Bill No. 5993 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5993.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Rinehart - 1.

Excused: Senators DeJarnatt, Fleming, Madsen - 3.

SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, Senate Bill No. 6048 was moved to the regular second reading calendar.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland, Amondson and McMullen

Requesting that sanctions be brought against foreign nations which harvest Washington state salmon.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Joint Memorial No. 8001 was substituted for Senate Joint Memorial No. 8001 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8001.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Madsen - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority was declared passed.

## MOTION

At 10:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5366, by Senators Nelson and Bender (by request of Legislative Transportation Committee)

Revising administration of public transit authorities.



## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5366 was substituted for Senate Bill No. 5366 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendment was adopted:

On page 7, line 16, after "RCW," insert the following:

**"NEW SECTION.** Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other person or circumstances is not affected."

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5366 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5366.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCasin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Bender, Owen - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5715, by Senators Newhouse, Talmadge, Owen and Benitz (by request of Attorney General)

Regulating the business of immigration consulting.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 4, line 19, after "effect" insert "July 1"

Senator Newhouse moved that the following amendment by Senators Newhouse and Talmadge be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature finds and declares that assisting persons regarding immigration matters substantially affects the public interest. The practices of immigration assistants have a significant impact on the residents of the state of Washington. It is the intent of the legislature to establish rules of practice and conduct for immigration assistants to promote honesty and fair dealing with residents and to preserve public confidence.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Immigration assistant" means every person who, for compensation or the expectation of compensation, gives nonlegal assistance on an immigration matter. That assistance is limited to:

(a) Transcribing responses to a government agency form selected by the customer which is related to an immigration matter, but does not include advising a person as to his or her answers on those forms;

(b) Translating a person's answer to questions posed on those forms;

(c) Securing for a person supporting documents currently in existence, such as birth and marriage certificates, which may be needed to submit with those forms;

(d) Making referrals to attorneys who could undertake legal representation for a person in an immigration matter.

(2) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant, or citizenship status of any person which arises under immigration and naturalization law, executive order, or presidential proclamation, or which arises under action of the United States immigration and naturalization service, the United States department of labor, or the United States department of state.

(3) "Compensation" means money, property, or anything else of value.

**NEW SECTION, Sec. 3.** The following persons are exempt from all provisions of this chapter:

(1) An attorney licensed to practice law in this state where such attorney renders services in the course of his or her practice as an attorney and a legal intern, as described by court rule, or paralegal employed by and under the direct supervision of such an attorney;

(2) A nonprofit corporation or clinic affiliated with a law school in this state that provides immigration consulting services to clients without charge beyond a request for reimbursement of the corporation's or clinic's reasonable costs relating to providing immigration services to that client. "Reasonable costs" include, but are not limited to, the costs of photocopying, telephone calls, document requests, and the filing fees for immigration forms.

**NEW SECTION, Sec. 4.** Any person who wishes to engage in the business of an immigration assistant must register with the secretary of state's office and provide his or her name, business address, home address, and business and home telephone numbers. Failure to register with the secretary of state prior to acting as an immigration assistant is a violation of this chapter.

**NEW SECTION, Sec. 5.** Immigration assistants who have registered must inform the secretary of state of any changes in their name, addresses, or telephone numbers within thirty days of the change. Failure to inform the secretary of state of changes in the required time is a violation of this chapter.

**NEW SECTION, Sec. 6.** Immigration assistants shall offer or provide only nonlegal assistance in an immigration matter as defined in section 2 of this act.

**NEW SECTION, Sec. 7.** (1) Before providing any assistance, an immigration assistant who has agreed to provide immigration assistance to a customer shall provide the customer with a written contract that includes the following provisions:

(a) An explanation of the services to be performed;

(b) Identification of all compensation and costs to be charged to the customer for the services to be performed;

(c) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the assistant for any purpose, including payment of compensation or costs;

(d) A statement that the immigration assistant is not an attorney and may not perform legal services. This statement shall be on the face of the contract in ten-point bold type print; and

(e) A statement that the customer has seventy-two hours to rescind the contract. This statement shall be conspicuously set forth in the contract.

(2) The written contract shall be stated in both English and in the language of the customer.

(3) A copy of the written contract shall be provided to the customer by the immigration assistant upon execution of the contract.

(4) A customer has the right to rescind a contract within seventy-two hours of the signing of the contract.

(5) Any documents identified in subsection (1)(c) of this section shall be returned upon demand of the customer.

**NEW SECTION, Sec. 8.** In the course of dealing with customers or prospective customers, an immigration assistant shall not:

(1) Make any statement that the immigration assistant can or will obtain special favors from or has special influence with the United States immigration and naturalization service;

(2) Solicit or receive any compensation which is nonrefundable;

(3) Refuse to return documents supplied by, prepared by, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer;

(4) Represent or advertise, in connection with the provision of immigration assistance, other titles or credentials, including but not limited to "notary public" or "immigration consultant" that could cause a customer to believe that the immigration assistant possesses special professional skills;

(5) Communicate in any manner, oral or written, that registration under this chapter is an indicator of special skill or expertise or that it allows the person to provide advice on an immigration matter;

(6) Give any legal advice concerning an immigration matter.

**NEW SECTION, Sec. 9.** The legislature finds and declares that any violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of compensation in the conduct of trade or commerce as set forth in RCW 19.86.020.

**NEW SECTION, Sec. 10.** A violation of this chapter, other than sections 4 and 6 of this act, shall be punished as a gross misdemeanor according to chapter 9A.20 RCW. A violation of section 4 or 6 of this act shall be punished as a class C felony according to chapter 9A.20 RCW.

NEW SECTION. Sec. 11. This chapter shall be known and cited as the "immigration assistant practices act."

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 19 RCW.

Sec. 13. Section 14, chapter 94, Laws of 1933 and RCW 2.48.180 are each amended to read as follows:

Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall practice law, or hold himself out as entitled to practice law, shall, except as provided in section 10 of this 1989 act, be guilty of a misdemeanor: PROVIDED, HOWEVER, Nothing herein contained shall be held in any way affect the power of the courts to grant injunctive relief or to punish as for contempt.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Newhouse and Talmadge to Senate Bill No. 5715.

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

#### MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 1 of the title, after "immigration" strike the remainder of the title and insert "assistants; amending RCW 2.48.180; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 5715 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5715.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Owen - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5715, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5689, by Senators von Reichbauer, Moore, Sellar and McMullen (by request of Department of Labor and Industries and State Investment Board)

Regulating industrial insurance premium investments.

The bill was read the second time.

#### MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 1, after line 18, insert the following:

"Sec. 2. Section 15, chapter 3, Laws of 1981 and RCW 43.33A.150 are each amended to read as follows:

(1) The state investment board shall prepare written reports at least quarterly summarizing the investment activities of the state investment board, which reports shall be sent to the governor, the senate ways and means committee, the house appropriations committee, the department of retirement systems, and other agencies having a direct financial interest in the investment of funds by the board, and to other persons on written request. The state investment board shall provide information to the department of retirement systems necessary for the preparation of monthly reports.

(2) At least annually, the board shall report on the board's investment activities for the department of labor and industries' accident, medical aid, and reserve funds to the senate financial institutions and insurance committee, the senate economic development and labor committee, and the house commerce and labor committee, or appropriate successor committees.

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, following "43.33A.110" insert "and 43.33A.150"

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 5689 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5689.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5689 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Owen - 2.

ENGROSSED SENATE BILL NO. 5689, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5262, by Senators Craswell, Bailey, Owen, Anderson, Rasmussen, McCaslin, von Reichbauer, Benitz, Amondson, Stratton, Lee, Metcalf, Conner, Pullen, Smith and Patterson

Revising provisions for private schools.

The bill was read the second time.

#### MOTION

Senator Saling moved that the following amendment be adopted:

On page 1, after line 12, insert a new subsection to read as follows:

"(3) "Church-approved private school" shall not mean any program of academic instruction which is approved by the governing body of the Aryan nations."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, you probably have had more experience. How does the Internal Revenue designate a tax exempt church related body?"

Senator Talmadge: "I believe, Senator, they have some regulations that pertain to what they believe to be a legitimate church activity. But, there's no such definition contained in this bill and any organization that self certifies itself as a

church--my understanding of this legislation, would be permitted to proceed as such. This would compel, in my view, the Superintendent of Public Instruction to adopt regulations defining what is or what is not a church, which I think is contrary to the spirit of what the proponents of the legislation wanted."

Senator Rasmussen: "Maybe an amendment saying, 'Church approved tax exempt by the Internal Revenue' would solve the problem."

Senator Talmadge: "I don't know that that would satisfy some of those people, Senator, because I'm not sure they are all that enthused about the idea of the federal government deciding whether or not they are or are not a church and whether or not the Commissioner of Internal Revenue does a particularly good job of that."

Senator Rasmussen: "I don't know. They're supposed to be the best."

Further debate ensued.

#### MOTION

On motion of Senator Bender, Senator Moore was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Saling on page 1, following line 12, to Senate Bill No. 5262.

The motion by Senator Saling failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5262 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators McCaslin, Craswell and Saling demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5262.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 28.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Murray, Niemi, Rinehart, Saling, Smitherman, Talmadge, Vognild, Warnke, Williams - 17.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Moore, Owen - 3.

SENATE BILL NO. 5262, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:26 p.m., on motion of Senator Newhouse, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:34 p.m. by President Pritchard.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9090, Vaughn A. Sherman, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

Senators Metcalf and McCaslin spoke to the confirmation of Vaughn A. Sherman as a member of the Board of Trustees for Edmonds Community College.

## APPOINTMENT OF VAUGHN A. SHERMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Hayner, Lee, Sellar - 3.

Excused: Senators DeJarnatt, Owen - 2.

## MOTION

On motion of Senator Anderson, Senator Sellar was excused.

## SECOND READING

SENATE BILL NO. 5070, by Senators Cantu and Smith

Restricting access to vehicle records.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5070 was substituted for Senate Bill No. 5070 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5070 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5070.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Owen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5558, by Senators Smith, Murray, Lee, Bender, Madsen, Warnke, Smitherman, Rasmussen, von Reichbauer, Sutherland and Gaspard

Regulating sale of mobile homes and parks.

The bill was read the second time.

## MOTION

Senator Murray moved that the following amendments by Senators Murray, Bender and Warnke be considered simultaneously and be adopted:

On page 3, line 28, after "within" strike "forty-eight hours" and insert "thirty days"

On page 4, line 1, after "within" strike "thirty" and insert "sixty days"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Murray, Bender and Warnke on page 3, line 28, and page 4, line 1, to Senate Bill No. 5558.

The motion by Senator Murray carried and the amendments were adopted.

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5558 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a point of parliamentary inquiry. I show two amendments on my desk. Were both amendments adopted?"

## RELY BY THE PRESIDENT

President Pritchard: "She moved both amendments, yes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5558.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Cantu, Craswell, Hansen, Hayner, Matson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Smith, West - 18.

Absent: Senator Pullen - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5558, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 5558 passed the Senate.

## SECOND READING

SENATE BILL NO. 5798, by Senators Rasmussen, Pullen, McDonald, Talmadge, Barr, Conner and Metcalf

Raising the homestead exemption.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5798 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5798.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5798 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5798, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5185, by Senators Wojahn, Lee, Rasmussen, Madsen, Gaspard, Smitherman, Niemi and Vognild

Establishing a family day care center as a residential use for zoning purposes.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wojahn, the following amendment was adopted:

On page 3, line 35, after "provider's" strike all material down to and including "The" on line 36

Senator Anderson moved that the following amendment be adopted:

On page 4, line 12, after "act" delete all material through and including "immediately" on page 4, line 15, and insert "shall take effect January 1, 1990"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 4, line 12, to Senate Bill No. 5185.

The motion by Senator Anderson failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 5185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Smith, we talk about residential or commercial use. Does that count light industrial and heavy industrial, and multi-family or how do you differentiate between residential and commercial?"

Senator Smith: "People live in one."

Senator McCaslin: "People live in a lot of zones, but are you sure you're covering everybody in this bill or should other—"

Senator Smith: "I prefer that you ask this question of the maker of the bill."

Senator McCaslin: "Who's the maker of the bill?"

Senator Smith: "Senator Wojahn."

#### POINT OF INQUIRY

Senator McCaslin: "Senator Wojahn, under comprehensive planning in cities and counties, they differentiate a whole list of descriptions of different types of zoning and we just have residential and commercial in here. Is that what you mean to do? If it's zoned commercial you can do this--or residential--but multi-family you may not be able to?"

Senator Wojahn: "You could actually have a family day care on any type of land, but you would pay the taxes for the highest and best use. So, it wouldn't be very practical to put a day care in a commercial property zone, because you'd have to pay higher taxes. Constitutionally, we pay taxes on our highest and best use."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5185.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pullen,



Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Amundson, Matson, McDonald, Newhouse - 4.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5185, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5054, by Senators Rinehart, Bailey and Niemi

Establishing the Washington state minority teacher recruitment program.

The bill was read the second time.

#### MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Nelson be adopted:

On page 2, after line 11, insert a new subsection to read as follows:

"(3) As used in this section 'targeted minority group' means a group of Americans with a common ethnic or racial heritage, identified by the state board of education due to societal concerns such as high dropout rates or low rates of college participation or academic achievement by members of the group."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Rinehart, I'm wondering about this definition, 'targeted minority group.' By this definition, would you then exclude Asian students from participating in this program?"

Senator Rinehart: "The amendment would neither exclude or include any one by specific list. It would be the decision of the State Board of Education as to whether or not a particular group should be considered."

Senator Talmadge: "Well, maybe you could tell me if Asian students are presently being excluded as a result of this language being used elsewhere?"

Senator Rinehart: "Not to my knowledge. If there's an instance, I'd be happy to investigate, but not to my knowledge under the existing statute."

Senator Talmadge: "I guess I'm trying to understand why we are targeting in this particular fashion. For example, a group such as Asian students did not have high drop-out rates or low rates of college participation, then they would not be permitted to participate in this program?"

Senator Rinehart: "The goal of the bill without the amendment is to establish a program to encourage teachers who belong to groups where youngsters do not have many role models and who are having difficulties because of that. The concern was raised in the Rules Committee by Senator Nelson, that without a definition of minority, we left it far too wide open, so we simply took a definition from an existing program."

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Nelson on page 2, after line 11, to Senate Bill No. 5064.

The motion by Senator Rinehart failed and the amendment was not adopted.

President Pro Tempore Bluechel assumed the Chair.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Nelson: "Senator Bailey, in this measure on page 1, line 22, it describes that the program shall be designed to recruit future teachers from students in the targeted groups or in ninth through twelfth grade, as well as adults in the targeted groups who have entered other occupations. Can you define for me, what are the target groups?"

Senator Bailey: "Senator Nelson, I think, with your and Senator Rinehart's amendment, you tried to describe the targeted groups--which did not pass."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5054.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Cantu, Hayner, Nelson, Smith - 5.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5054, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5418, by Senators Johnson, Moore, Nelson, Hayner, Bailey, Lee, Metcalf and Talmadge (by request of Joint Committee on Pension Policy)

Altering pension funding.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5418 was substituted for Senate Bill No. 5418 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment by Senators Vognild, Rasmussen, Warnke, Rinehart, Bauer, Williams, Sutherland, Murray, Talmadge, Bender, Stratton, Gaspard, Smitherman and Wojahn be adopted:

On page 29, beginning on line 9, strike all of subsection (1)

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Vognild, Rasmussen, Warnke, Rinehart, Bauer, Williams, Sutherland, Murray, Talmadge, Bender, Stratton, Gaspard, Smitherman and Wojahn on page 29, beginning on line 9, to Substitute Senate Bill No. 5418.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator DeJarnatt - 1.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5418 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 43.

Voting nay: Senators Gaspard, Moore, Rinehart, Vognild, Wojahn - 5.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5418, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

## REQUEST FOR REPORT

Senator Vognild requested a minority report.

## REPLY BY THE PRESIDENT

President Pritchard: "This President doesn't understand the request, but we'll certainly try and do whatever we can for you."

EDITOR'S NOTE: No further action was taken on the request.

## SECOND READING

SENATE BILL NO. 5480, by Senators Pullen, Fleming, Talmadge, Smitherman, McCaslin, Nelson, Niemi, Madsen, Rinehart and Lee

Clarifying the crime of malicious harassment.

The bill was read the second time.

## MOTION

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 11, after "origin," strike "or mental, physical, or sensory handicap" and insert "((or mental, physical, or sensory handicap)) mental, physical, or sensory handicap, or membership in a discrete or insular group that is commonly known to be the object of widespread prejudice, bias, or discrimination"

On page 1, line 23, after "origin," delete "or mental, physical, or sensory handicap," and insert "mental, physical, or sensory handicap, or membership in a discrete or insular group that is commonly known to be the object of widespread prejudice, bias, or discrimination."

## POINT OF ORDER

Senator Pullen: "Mr. President, I raise the point of order that the amendments change the scope and object of the bill. The amendments by Senator Niemi do talk about discrete or insular groups and she, herself, has indicated that these are generic amendments and a generic amendment by it's very name, certainly would imply a broadening of the bill.

"I would also draw the President's attention to a precedent we did have on March 2, 1984. We had a bill before us, Senate Bill No. 4228, dealing with malicious harassment. The House added an amendment which expanded the protected categories and at that time Senator Rasmussen raised a point of order and the presiding officer at that time, Lieutenant Governor Cherberg, ruled the House amendment, which did expand the categories, was beyond the scope and object of the bill. So, based on Senator Niemi's own words that these are generic amendments and based on the precedent that occurred March 2, 1984, I would urge the President to rule the amendments beyond the scope and object of the bill."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5480 was deferred.

## MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Substitute Senate Bill No. 6048.

## SECOND READING

SENATE BILL NO. 6048, by Senator von Reichbauer

Regarding HIV testing under Title 48 RCW.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6048 was substituted for Senate Bill No. 6048 and the substitute bill was placed on second reading and read the second time.

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 7, after "shall" strike "not"

On page 1, line 8, after "RCW." strike everything down through and including "commissioner." on line 15

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 1, lines 7 and 8, to Substitute Senate Bill No. 6048.

The motion by Senator Niemi failed and the amendments were not adopted.

President Pro Tempore Bluechel assumed the Chair.

## MOTION

On motion of Senator von Reichbauer the rules were suspended, Substitute Senate Bill No. 6048 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6048.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6048 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 44.

Voting nay: Senators Niemi, Rinehart, Williams, Wojahn - 4.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 6048, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5012, by Senator McDonald

Clarifying the liability of condominium owners' associations for air pollution violations.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5012 was substituted for Senate Bill No. 5012 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5012 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5012.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogniild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senators Kreidler, Moore, Talmadge, West - 4.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5012, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5130, deferred on third reading March 3, 1989.

## MOTION

On motion of Senator McCaslin, the rules were suspended and Substitute Senate Bill No. 5130 was returned to second reading and read the second time.

## MOTION

On motion of Senator Talmadge, the following amendment by Senators McCaslin and Talmadge was adopted:

On page 1, beginning on line 13, strike section 1 and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 65.08 RCW to read as follows:

(1) Public and private entities specified in sections 2 through 14 of this act that operate utilities shall record utility easements created by express conveyance and utility easements created by operation of law that benefit the public or private entity and encumber real property. Utility easements created by operation of law are only required to be recorded if they have been established in a final judgment of a court of competent jurisdiction. The recording of utility easements shall comply with the requirements for the recording of real property conveyances in RCW 65.08.070.

(2) Utility easements that are not recorded are void against any subsequent bona fide purchaser for value of the encumbered property.

(3) An entity that assumes the utility operations of another entity is not required to record utility easements acquired from the other entity if the other entity previously recorded such utility easements.

(4) As used in this section, "utility easements created by operation of law" includes but is not limited to easements created by implication, necessity, or prescription. A "bona fide purchaser for value" is a purchaser who, without notice of the utility easement prior to acquisition of title, has paid the vendor a valuable consideration."

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5130.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5130, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5654, by Senators Lee and Matson

Restricting the insurance coverage provided by a bond.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5654 was substituted for Senate Bill No. 5654 and the substitute bill was placed on second reading and read the second time.

Senator Fleming moved that the following amendment be adopted:

On page 1, after line 28, insert:

"(4) No bond shall be required for any public projects valued at \$25,000 or less."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fleming on page 1, after line 28, to Substitute Senate Bill No. 5654.

The motion by Senator Fleming failed and the amendment was not adopted.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5654.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5654 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Bluechel, Vognild - 2.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5654, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5838, by Senators Hansen, Benitz and Barr

Revising agricultural livestock liens.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the following amendment was adopted:

Beginning on page 1, line 27, after "sale," strike the balance of the section down to and including "chapter," on page 2, line 3

#### MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5838.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Vognild - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5480 and the pending amendments by Senator Niemi on page 1, lines 11 and 23, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "The President would like to point out that the 1984 amendment referred to in the earlier debate was substantially different than what is before the body. Therefore, the 1984 ruling was not a precedent for the President's ruling today.

"In ruling upon the point of order raised by Senator Pullen, the President finds that Senate Bill No. 5480 is a measure adding to the crime of malicious harassment certain words and conduct which place people or property in reasonable fear of harm.

"The amendments proposed by Senator Niemi, add to the crime of malicious harassment a new category of discrimination based on a person's membership in a discrete or insular group commonly know to be the object of widespread prejudice, bias or discrimination.

"The President believes the bill adds new prohibited conduct to the existing statute while the amendments add a new group of persons to the list to be protected from the conduct.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senator Niemi on page 1, lines 11 and 23, to Senate Bill No. 5480 were ruled out of order.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5480 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5480.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5480, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5052, by Senators Lee, McCaslin, Barr, Saling, Rasmussen and Wojahn (by request of Legislative Budget Committee)

Amending committee voucher authority.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5052 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senators Craswell and Johnson were excused. The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5052.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Craswell, DeJarnatt, Johnson - 3.

SENATE BILL NO. 5052, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5058, by Senators Pullen and Talmadge

Creating a law enforcement officer pool.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5058 was substituted for Senate Bill No. 5058 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5058.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 5058, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5064, by Senators Smith, Rasmussen, Metcalf and Benitz  
Requiring licensing of salmon guides.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5064 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5064.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Johnson - 2.

SENATE BILL NO. 5064, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Fleming was excused.

## SECOND READING

SENATE BILL NO. 5075, by Senator Smith

Changing provisions relating to investigation of water pollution.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5075 was substituted for Senate Bill No. 5075 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator Metcalf, I read the second part of the bill--Section 2--and I guess I have a question about how this works. I assume that a fish culture unit is another way of saying some sort of aqua culture pen?"

Senator Metcalf: "Not pens, these are upland private aqua culture. The bill applied to them. I don't know about fish culture units. It may apply to others, too."

Senator Talmadge: "Well, what this bill purports to do is to say to the Department of Ecology and it's enforcement unit, that if they suspect the existence of a water pollution violation at one of these fish culture units, then they have to give three days notice before they can go in, which is a rather odd thing. If a law enforcement officer had to give three days notice to a crook before he could serve a search warrant, it would be a rather interesting way of approaching the problems."

Senator Metcalf: "This is in the case of where they are going to bring equipment in. The reason for it is--the private aqua culturists came to the committee and said that. They don't bring any of their own equipment on to their site, because of the disease problems, without a person there who's in charge of sterilization, as I mentioned--sterilization of that equipment. They take their trucks, they sterilize

every bit of them, and they said they could just not allow anyone to come on without having that sterilization. They need a little bit of time to have their people there to do it and they're not going to allow anybody else do it and it seemed to me to be legitimate that we do that. I think if there were gross cases, such that you could think of, where they might be doing something, but the three days would give them the chance to tune it up. I think that there are other ways they can get at that. This did not seem to be a problem to the department--the substitute bill."

Senator Talmadge: "It occurred to me that in that seventy-two hour period, there'd be a real opportunity to cover up any violations of the Water Pollution Law."

Senator Metcalf: "That concerned us too, but apparently this was something the department could work with."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5075.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Rinehart, Talmadge - 2.

Excused: Senators DeJarnatt, Fleming, Johnson - 3.

SUBSTITUTE SENATE BILL NO. 5075, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5108, by Senators Saling, Bailey, Lee, Thorsness and Anderson

Regarding visitation between an abused child and the abuser.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5108 was substituted for Senate Bill No. 5108 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5108 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5108.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 5108, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5132, by Senators McCaslin and Rasmussen

Specifying additional requirements for local improvement district notices.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5132.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1989-8635

by Senators Rasmussen and McCaslin

WHEREAS, By statute, the Governor is to provide the Legislature with a report entitled "Personnel Detail," listing the compensation paid each state employee; and WHEREAS, The report last received is dated January, 1987; and

WHEREAS, In order to conduct the state's business, said report should be on the desk of each legislator at the convening of the session in January; and

WHEREAS, The absence of this report has caused a major delay in the work of this 1989 Regular Session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests the Governor to make a detailed investigation of the Office of Financial Management, and report to this body reasons for this serious dereliction of duty by that agency; and

BE IT FURTHER RESOLVED, That the Governor report his findings and deliver the Personnel Detail Report by March 10, 1989.

## MOTION

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

## MOTIONS

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Engrossed House Bill No. 1697.

On motion of Senator Newhouse, Engrossed House Bill No. 1697 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Substitute House Bill No. 1067.

On motion of Senator Newhouse, Substitute House Bill No. 1067 was referred to the Committee on Financial Institutions and Insurance.

## MOTION

At 5:53 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, March 8, 1989.

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

## FIFTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 8, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Hansen, Moore, Nelson, Patterson and Smitherman. On motion of Senator Bender, Senators DeJarnatt and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Cindy Chipman and Sommer Kleweno, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Lacey, offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 7, 1989

Mr. President:

The House has passed:

HOUSE BILL NO. 1021,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1321,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1322,

HOUSE BILL NO. 1323,

SUBSTITUTE HOUSE BILL NO. 1792,

SUBSTITUTE HOUSE BILL NO. 1797,

ENGROSSED HOUSE BILL NO. 1839,

SUBSTITUTE HOUSE BILL NO. 1854, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 6, 1989

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1007,

SUBSTITUTE HOUSE BILL NO. 1013,

HOUSE BILL NO. 1043,

SUBSTITUTE HOUSE BILL NO. 1056,

SUBSTITUTE HOUSE BILL NO. 1287,

HOUSE BILL NO. 1292,

SUBSTITUTE HOUSE BILL NO. 1370,

SUBSTITUTE HOUSE BILL NO. 1379,

ENGROSSED HOUSE BILL NO. 1383,

SUBSTITUTE HOUSE BILL NO. 1386,

SUBSTITUTE HOUSE BILL NO. 1388,

ENGROSSED HOUSE BILL NO. 1395,

ENGROSSED HOUSE BILL NO. 1412,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,

HOUSE BILL NO. 1453,

ENGROSSED HOUSE BILL NO. 1518,

ENGROSSED HOUSE BILL NO. 1596,

SUBSTITUTE HOUSE BILL NO. 1624,

SUBSTITUTE HOUSE BILL NO. 1639,

ENGROSSED HOUSE BILL NO. 1646,

SUBSTITUTE HOUSE BILL NO. 1688,

HOUSE BILL NO. 1689,

HOUSE BILL NO. 1690.

ENGROSSED HOUSE BILL NO. 1702,  
 ENGROSSED HOUSE BILL NO. 1724,  
 HOUSE BILL NO. 1729,  
 HOUSE BILL NO. 1730,  
 HOUSE BILL NO. 1772,  
 ENGROSSED HOUSE BILL NO. 1855,  
 ENGROSSED HOUSE BILL NO. 1881,  
 HOUSE JOINT MEMORIAL NO. 4002,  
 HOUSE JOINT MEMORIAL NO. 4003, and the same are herewith transmitted

ALAN THOMPSON, Chief Clerk

March 7, 1989

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1011,  
 ENGROSSED HOUSE BILL NO. 1047,  
 ENGROSSED HOUSE BILL NO. 1070,  
 ENGROSSED HOUSE BILL NO. 1258,  
 SUBSTITUTE HOUSE BILL NO. 1414,  
 HOUSE BILL NO. 1698, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1007 by Committee on Natural Resources and Parks (originally sponsored by Representatives Ballard, Ferguson, McLean and K. Wilson)

Promoting safety in water skiing.

Referred to Committee on Environment and Natural Resources.

SHB 1011 by Committee on Judiciary (originally sponsored by Representatives P. King, S. Wilson and Scott)

Increasing the number of superior court judges to eleven.

Referred to Committee on Law and Justice.

SHB 1013 by Committee on Commerce and Labor (originally sponsored by Representatives P. King, Anderson, Jacobsen, Todd and K. Wilson)

Including motorcycles in the Lemon Law.

Referred to Committee on Economic Development and Labor.

HB 1021 by Representatives Hine, Silver, Sayan, D. Sommers, H. Sommers, Patrick, Anderson, Jacobsen, Smith, Wineberry, Prentice, Brough, Rector, Dellwo, May, Betrozoff, Cole, Ferguson, Wood, Horn, Walker, Todd, Winsley, Schoon, McLean, Moyer, Basich, P. King, Miller and Bowman (by request of Joint Committee on Pension Policy)

Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system.

Referred to Committee on Ways and Means.

HB 1043 by Representatives Inslee, R. Meyers, Schmidt, Heavey, Baugher, Rayburn, Ballard, Winsley, P. King, Gallagher and Phillips (by request of Washington State Patrol)

Providing a procedure for unclaimed property in the hands of the Washington state patrol.

Referred to Committee on Law and Justice.

EHB 1047 by Representatives R. Meyers, Schmidt, Inslee and P. King

Modifying secured transaction requirements as they apply to crops.

Referred to Committee on Agriculture.

SHB 1056 by Committee on Fisheries and Wildlife (originally sponsored by Representatives Sayan, R. King, Smith, Vekich and Belcher) (by request of Department of Fisheries)

Regulating herring spawn on kelp.

Referred to Committee on Environment and Natural Resources.

EHB 1070 by Representatives Rector, Youngsman, G. Fisher, Padden, H. Myers, Patrick, Wolfe, Ferguson, D. Sommers, Walker, Wood, Dellwo, Kremen, P. King, Silver, Morris and Crane

Revising procedures on criminal procedure.

Referred to Committee on Law and Justice.

EHB 1258 by Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Inslee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

Making assaults on law enforcement personnel third degree assault.

Referred to Committee on Law and Justice.

SHB 1287 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Day, Chandler, Crane, Winsley, Dellwo, Schmidt and P. King)

Extending the time frame for possible renewal of escrow agent licenses.

Referred to Committee on Financial Institutions and Insurance.

HB 1292 by Representatives Braddock, Ballard, Vekich, D. Sommers, Day, Chandler, Wolfe, Brooks, Rector, May, Brekke and Spanel

Creating impaired health professional programs.

Referred to Committee on Health Care and Corrections.

ESHB 1321 by Committee on Appropriations (originally sponsored by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Peery, Wineberry, Rayburn, Braddock, Prentice, Leonard, Valle, Rector, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, Haugen, May, P. King, Phillips, Brekke, Appelwick, G. Fisher, Spanel and Van Luven) (by request of Joint Committee on Pension Policy)

Altering pension funding.

Referred to Committee on Ways and Means.

ESHB 1322 by Committee on Appropriations (originally sponsored by Representatives Hine, Silver, Sayan, McLean, Patrick, D. Sommers, H. Sommers, Bristow, Bowman, Moyer, Day, Peery, Wineberry, Winsley, Fuhrman, Schoon, Holland, Rayburn, Belcher, Braddock, Jesernig, Kremen, Chandler, Brough, Valle, G. Fisher, Betzoff, R. Fisher, Fraser, Basich, Locke, Haugen, Youngsman, Wolfe, May, R. King, P. King, Pruitt, Hankins, Brekke, Appelwick, H. Myers, Miller, Rasmussen, Ebersole, Jacobsen, Doty, Spanel, Brumsickle, Van Luven, Tate, Wood and Horn) (by request of Joint Committee on Pension Policy)

Authorizing cost-of-living adjustments for members of retirement systems.

Referred to Committee on Ways and Means.

HB 1323 by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Bowman, Day, Wineberry, Dorn, Dellwo, Crane, Brough, Valle, Rector, Wang, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, May, P. King, Phillips, Pruitt, Brekke,

Appelwick, Jacobsen, Van Luven, Wood and Horn (by request of Joint Committee on Pension Policy)

Changing provisions relating to portability of public employment retirement benefits.

Referred to Committee on Ways and Means.

SHB 1370 by Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Ferguson, Sayan, Hine, Miller and G. Fisher)

Changing provisions relating to taxing district boundaries.

Referred to Committee on Governmental Operations.

SHB 1379 by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Sayan, Silver, Brekke, Fuhrman, Holland, May, Winsley, Betzoff, Wolfe, Schoon, Miller, Horn, Phillips and Ballard) (by request of Legislative Budget Committee)

Authorizing adjustment of bid prices.

Referred to Committee on Governmental Operations.

EHB 1383 by Representatives Nutley and Cooper

Authorizing the designation of treasurers and auditors by regional planning commissions.

Referred to Committee on Governmental Operations.

SHB 1386 by Committee on Local Government (originally sponsored by Representatives Phillips, Ferguson, Horn and Haugen)

Amending the requirement for creating small works roster.

Referred to Committee on Governmental Operations.

SHB 1388 by Committee on State Government (originally sponsored by Representatives Cooper, D. Sommers, R. Fisher, Prince, Walk, Schmidt, Patrick, Heavey, Crane, R. Meyers, Day and Moyer)

Limiting the application of the good samaritan statute.

Referred to Committee on Law and Justice.

EHB 1395 by Representatives R. Fisher, McLean, Anderson, Nealey and Wolfe (by request of State Investment Board)

Exempting certain financial and commercial information from public disclosure.

Referred to Committee on Governmental Operations.

EHB 1412 by Representatives Kremen, Hankins, Heavey, Beck, Braddock, Basich, Baugher, Winsley, Day, G. Fisher, Prentice, Todd, R. Meyers, Jones, D. Sommers, Prince, S. Wilson, Gallagher, Betzoff, Walker, Wood, Haugen, Smith, Cantwell, Cooper, Pruitt, Zellinsky, K. Wilson, R. Fisher, Tate, Rector, Rasmussen, Youngsman, Doty, Schoon, Moyer, Wineberry, McLean, Dorn, Crane, Nealey, Sayan, Valle, Insee, Jesernig, Fraser, Nutley, Patrick, H. Myers, Rayburn, R. King, Miller, Spanel, Brooks, Hargrove, Anderson, Sprenkle, Scott, Grant, Dellwo, May, Van Luven, Bowman, Horn, Fuhrman, Silver, Ferguson, Jacobsen, P. King, Morris and Phillips

Authorizing remembrance tabs for veterans' license plates.

Referred to Committee on Transportation.



SHB 1414 by Committee on Judiciary (originally sponsored by Representatives P. King, Dellwo and Appelwick) (by request of Administrator for the Courts)

Establishing a judicial information system fund.

Referred to Committee on Law and Justice.

ESHB 1450 by Committee on Transportation (originally sponsored by Representatives R. Meyers, Heavey, Schmidt, Walk, D. Sommers, Todd, Kremen, Jones, Zellinsky, Haugen, Wood, Prentice, Cooper, Chandler and Winsley)

Regulating motor fuel quality.

Referred to Committee on Transportation.

HB 1453 by Representatives Brooks, Sprenkle, Moyer, Wolfe, Ebersole, Ballard, Braddock and Winsley

Including education and prevention services in the impaired physician program.

Referred to Committee on Health Care and Corrections.

EHB 1518 by Representatives Vekich, Walker, Patrick, Cole, Leonard, R. King, Heavey, Ebersole, Prentice, Basich, Jones and Winsley

Extending industrial insurance coverage.

Referred to Committee on Economic Development and Labor.

EHB 1596 by Representatives R. Meyers, Patrick, Wood, Jones, Heavey, Winsley, R. Fisher, P. King, Ferguson and Day

Funding motorcycle safety education.

Referred to Committee on Transportation.

SHB 1624 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, R. King, K. Wilson, Brumsickle, Haugen, Bowman, Locke, Jacobsen and Sayan)

Regulating the sale of valuable materials from state-owned tidelands and shorelands.

Referred to Committee on Environment and Natural Resources.

SHB 1639 by Committee on Local Government (originally sponsored by Representatives Dorn, Ferguson, Cooper, R. Meyers, Haugen, Zellinsky and Rasmussen)

Regulating fire districts.

Referred to Committee on Governmental Operations.

EHB 1646 by Representatives Dellwo and Winsley

Regarding disciplinary action against realtors.

Referred to Committee on Financial Institutions and Insurance.

SHB 1688 by Committee on Natural Resources and Parks (originally sponsored by Representatives K. Wilson, Belcher and Beck)

Changing lease and contract requirements for tidelands, shorelands, and beds of navigable waters.

Referred to Committee on Environment and Natural Resources.

HB 1689 by Representatives Kremen, Gallagher and S. Wilson (by request of Department of Licensing)

Revising provisions for refund of licensing fees.

Referred to Committee on Transportation.

HB 1690 by Representatives Prince, Day and D. Sommers (by request of Department of Licensing)

Changing provisions relating to the motor vehicle fuel tax.

Referred to Committee on Transportation.

HB 1698 by Representatives R. Fisher, McLean and Anderson (by request of Secretary of State)

Consolidating standards for establishing precinct boundaries.

Referred to Committee on Governmental Operations.

EHB 1702 by Representatives Crane, Patrick, Cooper, Wolfe, Prentice, Anderson, Padden, Zellinsky, Youngsman and Betrozoff

Limiting liability of pharmacists.

Referred to Committee on Law and Justice.

EHB 1724 by Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Betrozoff, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Gallagher, Anderson, Cantwell, Leonard, Haugen and Winsley (by request of Legislative Transportation Committee)

Establishing criteria for state highway designation.

Referred to Committee on Transportation.

HB 1729 by Representatives Dellwo, Chandler, Crane and Doty (by request of Department of General Administration)

Cleaning up provisions of Title 30 RCW.

Referred to Committee on Financial Institutions and Insurance.

HB 1730 by Representatives Dellwo, Chandler and Crane (by request of Department of General Administration)

Regulating financial institutions.

Referred to Committee on Financial Institutions and Insurance.

HB 1772 by Representatives Spanel, S. Wilson, Haugen and R. King (by request of Department of Fisheries)

Renaming and defining certain species of fish.

Referred to Committee on Environment and Natural Resources.

SHB 1792 by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Cooper, Phillips, Nelson, R. Meyers, Bowman, Pruitt and Sprengle) (by request of Attorney General)

Regulating telemarketing and telephone solicitation.

Referred to Committee on Energy and Utilities.

SHB 1797 by Committee on Housing (originally sponsored by Representatives Todd, Nutley, Cooper, Cantwell, Nelson, Brough and Rasmussen)

Applying the mobile home landlord-tenant act to individual lots.

Referred to Committee on Economic Development and Labor.

EHB 1839 by Representatives Leonard, Jones, R. King, Prentice, Sayan, Cole, Vekich, Rust and Basich

Requiring employers to maintain employee benefits for an injured worker returning to a light duty job.

Referred to Committee on Economic Development and Labor.

SHB 1854 by Committee on Environmental Affairs (originally sponsored by Representatives Jones, Hargrove, Rust, Winsley, Basich, R. King, Belcher, Cole, Spanel, P. King and Nelson)

Modifying resource damage assessment under the state water pollution control act.

Referred to Committee on Environment and Natural Resources.

EHB 1855 by Representatives Jones, Vekich, Wang, Leonard, Jacobsen, R. King, Anderson, Ebersole, Cole, Nelson, Belcher, Basich, Brekke, Rector, Dellwo, Sayan, Wineberry, Crane, Prentice and Phillips

Establishing a state plant closure law.

Referred to Committee on Economic Development and Labor.

EHB 1881 by Representatives Rayburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

Referred to Committee on Agriculture.

HJM 4002 by Representatives Basich, S. Wilson, Rust, Sayan, Jacobsen, Wang, Jones, Nelson and Heavey (by request of Joint Select Committee on Marine and Ocean Resources)

Requesting Congress to amend the outer continental shelf lands act.

Referred to Committee on Environment and Natural Resources.

HJM 4003 by Representatives Basich, S. Wilson, Rust, Sayan, Jacobsen, Pruitt, Jones and Nelson (by request of Joint Select Committee on Marine and Ocean Resources)

Petitioning Congress to amend the outer continental shelf act.

Referred to Committee on Environment and Natural Resources.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9091, Harold T. (Hal) Wolfe, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF HAROLD T. (HAL) WOLFE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalfe, Murray, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Hansen, Moore, Nelson, Patterson, Smitherman - 5.

Excused: Senators DeJarnatt, Fleming - 2.

MOTIONS

On motion of Senator Bender, Senator Smitherman was excused.

On motion of Senator Smith, Senators Nelson and Patterson were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9098, Paul W. Skinner, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF PAUL W. SKINNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Nelson, Patterson, Smitherman - 5.

#### SECOND READING

SENATE BILL NO. 5133, by Senator McCaslin

Changing provisions regarding utility local improvement districts.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5133 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5133.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5133 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Patterson, Smitherman - 4.

SENATE BILL NO. 5133, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5143, by Senators Pullen, Madsen, Talmadge and Moore

Discussing ballot pages and the placement of candidates' names on them.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Moore: "Senator McCaslin, I found this to be the case in the past. When there is more than one precinct, often times people do not know which precinct they're really in and it's led to a lot of confusion. I know that in our voting place, we have several precincts and people are often times not sure when they get in there. They know who they're going to vote for for Governor and the rest of it, but when it gets down to that, they're not sure what precinct it is and they don't know the name maybe or something. I'm wondering how much confusion you think this will cause and is it worth it?"

Senator McCaslin: "Well, you'd have to ask Senator Pullen that. To my knowledge, we haven't had the problem at home, but I don't think, even if you didn't vote for the bill, the problem on confusion would be corrected, because a lot of people don't know what precinct they're in at the present time. So, if they don't know now going in to vote, for them, this won't help their memory or won't help them to study the issues. Hopefully, if they are confused--we passed a bill a couple days ago--that you can ask people for help, one from each party. So, the help is there if people ask, Senator Moore."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5143.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5143 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Conner, Lee, Moore, Murray, Sellar - 5.

Absent: Senator Bauer - 1.

Excused: Senators DeJarnatt, Fleming, Smitherman - 3.

SENATE BILL NO. 5143, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5147, by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McMullen, McCaslin and West

Revising definition of credit services organization.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5147 was substituted for Senate Bill No. 5147 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5147.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Smitherman - 3.

SUBSTITUTE SENATE BILL NO. 5147, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

## SECOND READING

SENATE BILL NO. 5152, by Senators von Reichbauer and Smitherman

Amending insurance form filing requirements.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5152 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5152.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Talmadge - 1.

Excused: Senators DeJarnatt, Fleming, Matson, Smitherman - 4.

SENATE BILL NO. 5152, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Talmadge was excused.

#### SECOND READING

SENATE BILL NO. 5154, by Senators West and Kreidler (by request of Department of Social and Health Services)

Providing for sanitary control of shellfish.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5154 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5154.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Matson, Smitherman, Talmadge - 5.

SENATE BILL NO. 5154, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

March 8, 1989

Mary Wiley  
Journal Clerk

Dear Mary:

I was not present for the vote on Senate Bill No. 5152 and Senate Bill 5154, because I was addressing a student group. I would have voted 'aye' on both bills.

Thank you.

Sincerely,  
PHIL TALMADGE, State Senator  
34th District

#### SECOND READING

SENATE BILL NO. 5191, by Senators Pullen, Niemi and Nelson (by request of Sentencing Guidelines Commission)

Standardizing application of good-time credit statutes.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on second reading and read the second time.

On motion of Pullen, the rules were suspended, Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5191.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5191 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJamatt, Fleming, Matson, Smitherman - 4.

SUBSTITUTE SENATE BILL NO. 5191, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5214, by Senator Smith

Mandating abuse and neglect reporting.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5214 was substituted for Senate Bill No. 5214 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5214 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Smith, I'm trying to figure out exactly how this bill is intended to work. If the Child Protective Service case worker does not refer within twenty-four hours in an emergency situation, however that is defined, is the state going to be civilly liable if that person does not accomplished the referral within twenty-four hours?"

Senator Smith: "That is not what the state testified to or the department. They felt that this would give them reasonable time and the people have asked for this bill and know that they wouldn't be liable."

Senator Talmadge: "Well, excuse me. If someone is required to do something by law within twenty-four hours in an emergency setting, and that's not defined in this bill, and they have to do that according to state law and they don't do it, I'd suspect that makes a relatively easy case for a plaintiff's lawyer in saying that the state is liable, because the state failed to do that which it was supposed to do in this horrible circumstance to this child. Tell me how there would not be civil liability under those circumstances."

Senator Smith: "If there is liability, it is probably justified. This bill is designed to make sure that there is reporting, so that some of the cases we've had do not happen again. If there is a state liability, that would be accepted by both the department who has testified for this bill, the law enforcement officers and everyone that has supported this bill. They have agreed that this twenty-four hours is reasonable."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5214 was deferred.

#### MOTIONS

On motion of Senator Newhouse, Senate Bill No. 5238 was moved to the bottom of the second reading calendar.

On motion of Senator Newhouse, the Senate commenced consideration of Senate Bill No. 5266.

#### SECOND READING

SENATE BILL NO. 5266, by Senators Gaspard, Bailey, Rinehart, Lee, Fleming, Johnson, Anderson, Kreidler, Benitz, Talmadge and Bauer

Providing baccalaureate and masters degree equivalencies for certification of vocational instructors.

#### MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5266 was substituted for Senate Bill No. 5266 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5266.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Hayner - 1.

Excused: Senators DeJarnatt, Matson, Smitherman - 3.

SUBSTITUTE SENATE BILL NO. 5266, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5285, by Senators Owen, McCaslin and Kreidler

Providing that certain covenants survive a tax foreclosure sale.

#### MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5285.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Smitherman - 3.

SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5290, by Senators Metcalf, DeJarnatt, Benitz, Rasmussen, Barr and Gaspard

Enhancing salmon resources.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5290.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Hayner, Patterson, Stratton - 3.

Excused: Senators DeJarnatt, Smitherman - 2.

SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5329, by Senators Lee, Warnke, Matson and Smitherman (by request of Department of Licensing)

Establishing a master license delinquency fee.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 5329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5329.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5329, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5348, by Senator Owen

Relating to the regulating of fishing.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5348 was substituted for Senate Bill No. 5348 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5348.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5348 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Anderson, Hansen, Moore, Nelson, Vognild - 5.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5348, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5350, by Senators Newhouse, Talmadge and Madsen (by request of Administrator for the Courts)

Providing for appointment of mental health commissioners.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5350 was substituted for Senate Bill No. 5350 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5350 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5350.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5350 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5350, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:00 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:25 a.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5233, by Senators Pullen, Madsen, Rasmussen and Niemi  
Changing provisions relating to the crime of burglary.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Ways and Means  
amendment was adopted:

On page 4, beginning on line 12, strike section 4 of the bill

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 3 of the title, strike "; and providing an effective date"

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill  
No. 5233 was advanced to third reading, the second reading considered the third,  
and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, as I understand, the bill contains  
increased penalties for burglary which will allow them to be sent to prison rather  
than held in the county jail?"

Senator Talmadge: "In many more instances, yes. There will be some inmates,  
Senator, that will be doing jail time first, but the net effect of the bill, is to send more  
of these individuals for longer periods of time to state correctional facilities."

Further debate ensued.

## MOTION

On motion of Senator Pullen, the rules were suspended and Engrossed Senate  
Bill No. 5233 be returned to second reading and read the second time.

## MOTION

On motion of Senator McDonald, further consideration of Engrossed Senate Bill  
No. 5233 was deferred.

## SECOND READING

SENATE BILL NO. 5891, by Senators Barr, Williams, Benitz, Lee, Madsen and  
Bauer

Revising provisions on water resource policy.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5891 was substituted  
for Senate Bill No. 5891 and the substitute bill was placed on second reading and  
read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate  
Bill No. 5891 was advanced to third reading, the second reading considered the  
third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Vognild, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the  
final passage of Substitute Senate Bill No. 5891.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No.  
5891 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel,  
Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen,  
Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators DeJarnatt, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5746, by Senators Sellar, Smith, Owen and Matson

Exempting interstate truck drivers from overtime wage requirements.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### PERSONAL PRIVILEGE

Senator Talmadge: "Thank you, Mr. President, a point of personal privilege. I support the legislation, but insofar as I acted as counsel for one of the proponents of the legislation and assisted in its drafting, I would ask that I be excused insofar as I think my vote would represent a conflict of interest."

There being no objection, Senator Talmadge was excused from voting on Substitute Senate Bill No. 5746.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5746.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5859, by Senators Gaspard, Lee, Murray and Bailey

Regarding the school directors' association.

#### MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5859 was substituted for Senate Bill No. 5859 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5859 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5859.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5859 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5859, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5315, by Senators Bender, Conner, DeJarnatt, Talmadge, Owen, Metcalf, Vognild, Murray, Bauer, Niemi, Kreidler, McMullen and Sutherland

Prescribing financial responsibility for vessels that spill oil.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5315.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6057, by Senators Murray, Bender, Warnke, Owen, McMullen, Williams, Smitherman, Kreidler, Sutherland, Talmadge, Niemi, Fleming, Moore, Lee, Vognild, Rasmussen, Conner, Stratton, Bailey, Gaspard, Hansen, Wojahn, Bauer, Madsen, Metcalf, Rinehart and Johnson

Providing for school services for homeless children.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6057 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6057.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Barr - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 6057, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5233, deferred after being returned to second reading, earlier today.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Pullen moved to reconsider the vote by which the Committee on Ways and Means amendment on page 4, beginning on line 12, and the title amendment on page 1, line 3, were adopted to Senate Bill No. 5233, earlier today.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Pullen to reconsider the vote by which the Committee on Ways and Means amendment on page 4, beginning on line 12, and the title amendment on page 1, line 3, to Senate Bill No. 5233 were adopted.

#### ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 25; nays, 22; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

#### MOTION

Senator Pullen moved that the Committee on Ways and Means amendment on page 4, beginning on line 12, and the title amendment on page 1, line 3, on reconsideration, to Senate Bill No. 5233 not be adopted.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a parliamentary inquiry, if I may. We have reconsidered the vote by which the amendments passed. Is that correct?"

#### REPLY BY THE PRESIDENT

President Pritchard: "We have voted to reconsider the vote and now we are reconsidering the vote, yes."

#### MOTION

Senator Vognild moved that the Committee on Ways and Means amendment on page 4, beginning on line 12, and the title amendment on page 1, line 3, on reconsideration, to Senate Bill No. 5233 be adopted.

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "A parliamentary inquiry, Mr. President. I think perhaps we should raise the question now, since the amendments were before us in error--actually were not recommended by the Ways and Means Committee. Are they properly before us?"

## REPLY BY THE PRESIDENT

President Pritchard: "Well, nobody has raised that question. I think the fact that we adopted them and engrossed the bill. I think it's pretty hard to look behind that action. So, I would rule 'no.'"

"The Chair believes that Senator Vognild is right in that he is able to put the positive motion so the issue before the body will be Senator Vognild's motion to adopt the committee amendments."

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, I agree with your statement about the fiscal impact of the bill and the need for facilities to accommodate the additional inmates that we will see in the system. I guess the question I have for you is, even with the delayed effective date, how many additional beds in the state correctional system will this general fund budget provide for, for 91-93?"

Senator McDonald: "Senator Talmadge, as you well know, because you've asked this question a number of times in the Ways and Means Committee, it will not put any more beds in the system, because we don't need them in the system. As Senator Rasmussen brought up, the fact that we do have 'rent-a-cell'--is because we have cells that are open and available. As we proceed through this biennium, the people that are renting the cells will leave the state and prisoners from our correctional system will enter the system. Over the period of this biennium and maybe a little bit of the next biennium, we will fill up the available cells. At that time, yes indeed, we will have to have a system that will accommodate these people, and I think that that's what we ought to be doing."

Senator Talmadge: "So, if I understand you correctly, what you're saying is that the budget will not provide for any additional correctional beds for the 91-93 period?"

Senator McDonald: "Senator Talmadge, as you know that the budget has not been written; has not been adopted by the Senate and has not been even debated in the Ways and Means Committee. How can I tell you what the budget has? All I can tell you is what the Governor's budget has, and the Governor's budget does not have additional cells. As far as this body and our debate, it's in the future."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild to adopt the Committee on Ways and Means amendment on page 4, beginning on line 12, and the title amendment on page 1, line 3, on reconsideration, to Senate Bill No. 5233.

## ROLL CALL

The Secretary called the roll and the amendments, on reconsideration, were not adopted by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen and McDonald be adopted:

On page 4, line 12, after "effect" strike "January" and insert "July"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pullen and McDonald on page 4, line 12, to Senate Bill No. 5233.

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

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 5233 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Hansen: "Senator Pullen, I met with my county commissioners and they tell me that the local jails are all ready run over by the felons which they are picking up and putting in with these prisoners. When will the relief come and help the county out with this problem? We're talking about the state now. We're not even taking them out of the county jails. We're leaving them there for a year before we take them out and put them in the state prison. When are we going to give the counties some relief from the over-burden that they're carrying now with crime that's being committed out there in the counties?"

Senator Pullen: "I believe this particular bill will be a first step towards providing that relief. We are sending a strong message to burglars that their actions are not going to be tolerated. There have been other studies such as those by Professor Marvin Wolfgang at the University of Pennsylvania that shows that bills of this type actually result in a decrease in crime and a decrease in criminal activity through the deterrent effect. This bill is a maximum step towards relieving the over-crowding in jails and our prisons. I think it will accomplish just what you would want to see accomplished."

Further debate ensued.

## MOTION

On motion of Senator Bender, Senator Conner was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5233.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Kreidler - 1.

Excused: Senators Conner, DeJarnatt - 2.

ENGROSSED SENATE BILL NO. 5233, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:38 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:31 p.m. by President Pro Tempore Bluechel.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9099, Mary Kay Becker, as a member of the Board of Trustees for Western Washington University, was confirmed.

Senator Conner spoke to the confirmation of Mary Kay Becker as a member of the Board of Trustees for Western Washington University.



## MOTION

On motion of Senator Bender, Senators Bauer and Williams were excused.

## APPOINTMENT OF MARY KAY BECKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yeas: Senators Amondson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 40.

Absent: Senators Anderson, Fleming, Johnson, Matson, Moore, Patterson - 6.

Excused: Senators Bauer, DeJarnatt, Williams - 3.

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9101, Fielding Formway, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

Senator Anderson spoke to the confirmation of Fielding Formway as a member of the Board of Trustees for Whatcom Community College.

## MOTIONS

On motion of Senator Anderson, Senator Patterson was excused.

On motion of Senator Bender, Senator Fleming was excused.

## APPOINTMENT OF FIELDING FORMWAY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Absent: Senators Hayner, Lee - 2.

Excused: Senators Bauer, DeJarnatt, Fleming, Patterson, Williams - 5.

## SECOND READING

SENATE BILL NO. 5522, by Senators Rinehart, Bailey, Murray and Lee

Permitting on-site day care for education employees.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Anderson was adopted:

On page 1, line 24, after "district," insert "The grant application shall also include a statement that the school district has consulted with a child care resource and referral organization, if one exists in the applicable community, in preparing the grant proposal."

## MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator Rinehart, what was the effect of reducing the original appropriation from one hundred fifty thousand to forty-eight thousand? What's the effect on the bill?"

Senator Rinehart: "The effect is to reduce the number of projects that are possible under the bill. It's now narrowed down to where it will likely be a single and sole pilot project."

Senator Patterson: "What did you originally have in mind for the number of projects?"

Senator Rinehart: "We were anticipating that there would be a number of projects so that they could be done statewide. The way this will work, is that there will be at least one and when it's demonstrated how it works, then we hope that it will be possible to expand. It's a typical pilot project that's going to begin very small."

Senator Patterson: "If it works, what would you anticipate the impact throughout the state would be to provide in every school district that had some handicapped children? I presume that's the thrust of the bill--in the way of school personnel that it might have some handicapped people that they were trying to provide for--need day care for?"

Senator Rinehart: "There are two things that you should note within the content of the bill. The first is that the centers must be self-supporting and the second is that they are on a grant basis, granted through the Superintendent of Public Instruction. There's also a phrase that says, 'Through dollars appropriated specifically for that program,' so that every step of the way, we have a handle on what would be expended and how it would be expended."

Senator Patterson: "You have to have a grant from some other source other than the state in order to establish one of these?"

Senator Rinehart: "How many questions did you have Senator Patterson? As the bill reads now--as it was passed out of the Senate Education Committee--it establishes a grant process. A school district who would like to establish a pilot project to provide on-site day care will submit a grant proposal to the Superintendent of Public Instruction. The Superintendent of Public Instruction will examine whatever grants are submitted, make a decision on the basis of which they think is the most feasible, including the fact that it has to be self-supporting and self-sustaining, once it gets into operation.

"I assume that your question is leading toward long-term costs and long-term expansion. That's the reason for it being, first of all, a grant process, and second of all, identifying clearly, that it's got to be a self-supporting center. It's not state provision of child care as much as a pilot project to demonstrate how this can be done and how they can be self-supporting."

Senator Patterson: "Thank you, Senator, I really appreciate that because I have some real concerns about the statewide impact, without some sources other than state appropriations, to respond to the grant and I appreciate that. I'm sure that most members here would have a concern for our ability to pay if the state was asked to set up the various centers throughout the state of Washington. I thank you for your information."

Further debate ensued.

President Pritchard assumed the Chair.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5522.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 36.

Voting nay: Senators Barr, Cantu, Craswell, Hayner, McDonald, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith - 11.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5552, by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

Repealing filing requirements for interstate tariffs.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5552 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5552.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5552, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5916, by Senators Barr, Newhouse, Hansen, Madsen, Bailey, Anderson and Gaspard

Revising provisions on labeling meat.

The bill was read the second time.

## MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5916 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5916.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5916 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5916, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5275, by Senators Lee and Talmadge

Regulating high voltage fields.

## MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the following amendments by Senators Benitz and Lee were considered simultaneously and were adopted:

On page 1, line 12, after "policy" insert ", in consultation and cooperation with the Oregon department of energy."

On page 1, line 21, after "December 1" insert ", 1989"

#### MOTION

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5275.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Matson - 1.

Absent: Senator Moore - 1.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5853, by Senators Pullen, Talmadge, McCaslin, Rasmussen, Thorsness, Hayner, Nelson and Cantu

Penalizing use of a machine gun in a felony.

The bill was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The legislature is concerned about the increasing number of drug dealers, gang members, and other dangerous criminals who are increasingly being found in possession of machine guns. The legislature recognizes that possession of machine guns by dangerous criminals represents a serious threat to law enforcement officers and the general public. The use of a machine gun in furtherance of a felony is a particularly heinous crime because of the potential for great harm or death to a large number of people. It is the intent of the legislature to protect the public safety by deterring the illegal use of machine guns in the furtherance of a felony by creating a separate offense with severe penalties for such use of a machine gun.

Sec. 2. Section 2, chapter 64, Laws of 1933 and RCW 9.41.200 are each amended to read as follows:

For the purpose of RCW 9.41.190 through (~~9.41.220~~) section 4 of this act, a machine gun is defined as:

(1) Any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second; or

(2)(a)(1) Any semiautomatic action, centerfire rifle or carbine which accepts a detachable magazine with a capacity greater than five cartridges, including but not limited to the following firearms or their copies or facsimiles: AR 15 semiautomatic assault rifles, Uzi semiautomatic assault rifles or carbines, Ingram Mac-10 semiautomatic assault carbines, Ingram Mac-11 semiautomatic assault carbines, Heckler and Koch 93 semiautomatic assault rifles, Heckler and Koch 91 semiautomatic assault rifles, Heckler and Koch 94 semiautomatic assault carbines, AK-47 semiautomatic assault rifles, AKM-47 semiautomatic assault rifles, all Avtomat Kalashnikov

weapons, M1-A semiautomatic assault rifles, M-14 semiautomatic assault rifles, Thompson semiautomatic carbines and any other semiautomatic carbines manufactured by Auto Ordnance;

(ii) Any semiautomatic shotguns without a shoulder stock or with a folding stock or a magazine capacity of more than six rounds;

(iii) All semiautomatic pistols that are modifications of rifles or carbines described in (a)(1) of this subsection; that is, having the same make, caliber, and action design but shorter barrel and no rear stock;

(iv) Any weapon which may be readily restored to an operable machine gun; and

(v) Any part, or combination of parts, designed or intended to convert a weapon into a machine gun, or any combination of parts from which a machine gun may be readily assembled, if those parts are in the possession or under the control of the same person;

(b) The following are specifically excluded from the term "machine gun" as defined by this subsection:

(i) Weapons which do not use fixed ammunition, weapons which were manufactured prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons, revolving cylinder weapons, semiautomatic weapons which use exclusive Mannlicher-style clips, rimfire weapons that employ a tubular magazine; and

(ii) Any machine gun which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as a "machine gun."

(c) "Semiautomatic" as used in this chapter means that a single projectile is fired for each single pull of the trigger of a weapon which employs a magazine.

NEW SECTION, Sec. 3. A new section is added to chapter 9A.10 RCW to read as follows:

It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9A.10.010, to discharge a machine gun as defined by RCW 9A.10.020(1) or to menace or threaten with a machine gun as defined by RCW 9A.10.020(1), another person. A violation of this section shall be punished as a class A felony under chapter 9A.10 RCW.

NEW SECTION, Sec. 4. A new section is added to chapter 9A.10 RCW to read as follows:

(1) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9A.10.010, to discharge a machine gun as defined by RCW 9A.10.020(2), or to menace or threaten another person with a machine gun as defined by RCW 9A.10.020(2). A violation of this subsection shall be punished as a class B felony according to chapter 9A.10 RCW.

(2) It is unlawful for any person to convert any firearm to a machine gun, as defined in RCW 9A.10.020. A violation of this subsection shall be punished as a class C felony according to chapter 9A.10 RCW.

(3) It is unlawful for any person to sell a machine gun as defined by RCW 9A.10.020(2) to a person who has not been issued a concealed pistol license. A violation of this subsection shall be punished as a class C felony according to chapter 9A.10 RCW."

#### POINT OF ORDER

Senator Pullen: "Mr. President, I raise a point of order that the proposed amendment by Senators Talmadge and Gaspard expands the scope and object of the bill. This particular bill is a very narrow bill dealing with penalties for the illegal use of machine guns, including discharging machine guns or threatening or menacing someone with a machine gun in the commission of or the furtherance of a felony. Senators Talmadge and Gaspard are trying to add language dealing with semi-automatic weapons on to the bill. A machine gun is a fully automatic weapon that fires repeatedly as long as the trigger is held down. With a semi-automatic weapon, it fires only when the trigger is pulled each time. There's a major distinction and that distinction now exists in state law. It exists in any dictionary that defines the differences between the two and, also, by tradition. Senators Talmadge and Gaspard are attempting to try to link semi-automatics to the subject matter in the bill by defining a semi-automatic weapon as a fully automatic weapon or machine gun.

"There have been many rulings in the past that indicate you cannot expand scope and object through linking amendments or through linking language. Otherwise, we could have a bill that dealt with the preservation of Roosevelt Elk and someone could define Roosevelt Elk as an income tax and then hang an income tax amendment onto a bill to preserve Roosevelt Elk. The amendment by Senator Talmadge and Gaspard deals with many aspects of semi-automatic weapons. I would draw the President's attention to Senator Talmadge's own words. Senator Talmadge said, 'This particular amendment adds to the definition the concept of semi-automatic weapons,' so his own words say that he's adding to the original scope and object of the bill. Senator Talmadge also indicated that his

amendment deals with such subject matters as conversions, deals with such subject matters as sale, and other regulatory items that are not part of the original bill.

"I would finally draw the President's attention to the fact that he has several title amendments. Because of the expansion of scope and object, he had to come in with additional title amendments on page five. Incidentally, this simple little one-page bill is now a five-page bill if his amendment is adopted.

"Although Mr. President, at this time, I will not challenge the amendment under Rule 25 which says, 'No bill shall embrace more than one subject and that shall be expressed in the title.' In the highly unlikely event that I should get an adverse ruling here, I will also later challenge the amendment under Rule 25, but I feel very confident that this is out of scope and object and will get a favorable ruling."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5853 was deferred.

#### SECOND READING

SENATE BILL NO. 5121, by Senators Fleming, Bailey, Talmadge, Gaspard, Murray, Smith, Moore and Benitz

Creating a mobile substance abuse awareness program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, line 23, after "commit" strike "state"

Senator Nelson moved that the following amendment be adopted:

On page 3, beginning on line 13, strike all of New Section, Sec. 7

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 3, beginning on line 13, to Senate Bill No. 5121.

The motion by Senator Nelson failed and the amendment was not adopted.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 5121 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5121.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarmatt - 1.

ENGROSSED SENATE BILL NO. 5121, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5933, by Senators Williams and Murray

Establishing an annual leave sharing program for state employees.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5933 was substituted for Senate Bill No. 5933 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5933 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Williams, the rules were suspended and Substitute Senate Bill No. 5933 was returned to second reading and read the second time.

## MOTION

On motion of Senator Williams, further consideration of Substitute Senate Bill No. 5933 was deferred.

## SECOND READING

SENATE BILL NO. 5226, by Senators Saling, Bauer, Patterson and Stratton

Creating a graduate teacher fellowship pilot program.

The bill was read the second time.

## MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

On page 5, beginning on line 20, strike everything down to and including line 25 and renumber the remaining sections consecutively

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 3 of the title, before "providing" insert "and" and after "date" strike "; and making an appropriation"

## MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 5226 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5226.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5226 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5226, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5705, by Senators Benitz, Bluechel and Nelson

Requiring the energy facility site evaluation council to consider the extent of carbon dioxide emissions by thermal plant facilities seeking certification.

The bill was read the second time.

## MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5705.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5705, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5324, by Senators Metcalf, Owen, Sutherland, Johnson, Kreidler, DeJarnatt, Bluechel, Sellar, Saling, Bailey, Gaspard and Lee (by request of Governor Gardner)

Continuing interagency committee for outdoor recreation.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5324 was substituted for Senate Bill No. 5324 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5324 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5324.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5324 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Kreidler, Moore - 2.

Absent: Senator Owen - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5324, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5933, deferred on second reading earlier today.

## MOTIONS

On motion of Senator Johnson, the following amendment by Senators Johnson, Lee and Williams was adopted:

On page 4, after line 19, insert the following:



**"NEW SECTION.** Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 2 of the title, strike "and" and after "RCW" insert "; and declaring an emergency"

#### MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Substitute Senate Bill No. 5933 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5933.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5933 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5933, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, Engrossed Substitute Senate Bill No. 5933 was ordered immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE BILL NO. 5195, by Senators Barr, Hansen, Talmadge, Williams, Conner, Rasmussen, Gaspard, Bauer, Warnke, Benitz and Lee (by request of Governor Gardner)

Regarding water use efficiency and conservation.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on second reading and read the second time.

Senator Madsen moved that the following amendment by Senators Madsen and Barr be adopted:

On page 8, line 25, after "permitted" insert the following new subsection:

"(5) The water conservation performance standards shall supersede all local government codes."

Debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Madsen, could a local government have standards that were tighter than the standards here? For instance, if there were a water shortage where it was necessary to reduce the amount of water that was used, could their conservation standards be tighter? It looks to me like they couldn't be."

Senator Madsen: "Well, you're absolutely correct. What we're trying to get to is what you're saying. We do feel there needs to be an avenue that if a local government wants to have more restrictive standards, they can."

Senator Wojahn: "Well, shouldn't you say that?"

Senator Madsen: "Well, the problem is going back to the other language in the other part of this section, it's like unscrambling eggs. We've got to rewrite the whole thing before we pass it, but what you want and what you said is where we want to end up."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Madsen, that amendment apparently supercedes anything. Has this been cleared with Tacoma City Water and Seattle City Water?"

Senator Madsen: "It has not been cleared with Tacoma City Water, but the debate has been with Seattle. Every time we end up getting language everybody agrees to, it is so confusing nobody can understand it. What I'm saying is let's pass this amendment, because we are going to have to rewrite the whole section before it passes out of the Legislature."

Senator Rasmussen: "Well, Senator Madsen, I know that Tacoma City Water is supplying water right out in your rural area, and I'm sure that they don't want to be subject to somebody else's whims, when they're providing the means to get water—good water—to people all over the county and possibly over in King County. Before I can vote for this, I'll have to have clearance from my water department. I would think we should not adopt the amendment. I'll have time to confer with them about this being superceded and their decision in judgment."

Senator Madsen: "Well, Senator Rasmussen, we've known each other a long time and you tend to do exactly what you set your mind to. My suggestion is that we go ahead and pass this. We are going to have to rewrite this. We've been rewriting it ever since the bill was authored. As I say, it's like trying to unscramble eggs and that's what we're going to have to do."

## POINT OF INQUIRY

Senator Talmadge: "Senator Madsen, on page 7, lines 5 through 11, it appears to suggest that what you want to accomplish is already, in fact, the case with respect to Section 7. How does your amendment relate to sub-section (2) of Section 7, which already says that they can't adopt standards any more restrictive than the guidelines identified in this measure in sub-section (3)?"

Senator Madsen: "The way you read it is the way I read it. The people who are involved in the negotiations say that that language applies only to the State Building Code Council, but I read it the same way you did. The other concern is the language over on page 6, line 32. It says exactly the same thing."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Madsen and Barr on page 8, line 25, to Substitute Senate Bill No. 5195.

The motion by Senator Madsen failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Barr, the rules were suspended. Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Warnke, Senator Murray was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5195.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Murray - 2.

SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

## SECOND READING

SENATE BILL NO. 5984, by Senators Newhouse and Barr

Modifying water conservation procedures in the Yakima river basin.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the following amendments by Senators Newhouse, Hansen, Matson and Sellar were considered simultaneously and were adopted:

On page 2, line 12, after "any" insert "project funded under this chapter for"

On page 4, line 2, after "authorization." insert "Before any such conveyance or exercise of any trust water right, the department shall publish notice thereof in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in such other newspapers as the department determines are necessary, once a week for two consecutive weeks. At the same time the department shall also send notice thereof containing pertinent information to the director of fisheries and the director of wildlife."

On page 4, line 19, strike "section" and insert "chapter"

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5984.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDougal, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Murray - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5984, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5853 and the pending striking amendment by Senators Talmadge and Gaspard, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Pullen, the President finds that Senate Bill No. 5853 is a measure which increases the penalty for certain conduct while in the possession of a machine gun.

"The amendment proposed by Senators Talmadge and Gaspard would add a definition of semi-automatic weapons to the law, list a number of specific centerfire rifles, carbines, shotguns and pistols which would be defined as semi-automatic, provide exceptions for certain weapons from the definition, and would provide for penalties for certain uses of semi-automatic weapons.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The striking amendment by Senators Talmadge and Gaspard to Senate Bill No. 5853 was ruled out of order.

## MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5853 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5853.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5853 and the bill passed the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Absent: Senators Fleming, Johnson, Lee, McDonald, Sutherland, Williams - 6.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5853, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Fleming was excused.

## SECOND READING

SENATE BILL NO. 5450, by Senators Talmadge, Moore, Murray and Bauer

Providing for education in Pacific Rim languages.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5450 was substituted for Senate Bill No. 5450 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5450 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Anderson: "Senator Talmadge, on this bill did we require or ask that these people do not have to go through the regular certification process?"

Senator Talmadge: "Yes, there's a provision, Senator, I believe it is in Section 7, in sub-section (2). It provides that the State Board of Education will adopt or amend it's rules relating to persons who apply for a special certificate to allow these people to teach foreign languages, basically to bring people who are proficient in Chinese, Japanese, or these other languages into the classroom under this special set of conditions."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5450.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5450, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5452, by Senators Nelson and Vognild

Raising vehicle license fees.

The bill was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5452 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5452.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rinehart, Saling, Sellar, Smith, Talmadge, Vognild, Warnke, West, Williams - 34.

Voting nay: Senators Amondson, Matson, McCaslin, Owen, Pullen, Rasmussen, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Wojahn - 12.

Absent: Senator Lee - 1.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5452, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5893, by Senator Barr

Promoting the review of incidents of pesticide exposure.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5893 was substituted for Senate Bill No. 5893 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5893 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5893.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Matson, Smitherman, Sutherland - 3.

Absent: Senator Sellar - 1.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5893, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall remain in effect through March 15, 1989."

The President declared the question before the Senate to be the motion by Senator Newhouse to limit debate.

The motion by Senator Newhouse carried and debate was limited to three minutes through March 15, 1989.

## SECOND READING

SENATE BILL NO. 5441, by Senators von Reichbauer, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

Licensing commercial drivers.

## MOTION

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5441 was substituted for Senate Bill No. 5441 and the substitute bill was placed on second reading and read the second time.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5441 was deferred.

## MOTION

On motion of Senator Bender, Senator Stratton was excused.

## SECOND READING

SENATE BILL NO. 5265, by Senators Rasmussen and Metcalf

Regulating certain charter boats on state water.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5265 was substituted for Senate Bill No. 5265 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5265 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5265.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5265, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5441, deferred on second reading earlier today.

## MOTION

On motion of Senator von Reichbauer, the following amendments by Senator Patterson were considered simultaneously and were adopted:

On page 5, line 26, after "permit" strike "or" and insert "and"

On page 7, line 35, after "shall" strike "contain a photograph of the applicant and shall"

On page 8, line 9, after "weight" strike ", and hair"

On page 9, line 2, after "number" strike "and" and insert "or"

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Patterson: "Senator von Reichbauer, is Senate Bill No. 5441 intended to impose licensing requirements which are stricter or broader in application, than are required by federal law?"

Senator von Reichbauer: "Senator Patterson, the answer is 'no.' The bill is intended to meet only the requirements of the Commercial Motor Vehicle Act of 1986 and the implementing regulations."

#### POINT OF INQUIRY

Senator Sutherland: "Senator von Reichbauer, just looking over the bill and trying to understand the issue, does this at all affect citizens currently in the state of Washington who may have a license already? I notice a fiscal note on the bill and from what it says, it appears to me that everybody would have to be retested-- both written and otherwise. Can you help me?"

Senator von Reichbauer: "I believe that I heard your question. There's some static in the air, but basically, no it is not going to require everybody to take a new test. As you know, it takes effect in 1992. It will be part of the process of assimilation of each one of us as we go in and get our new drivers license. There's nothing going to change for the individual. It's primarily aimed at the commercial driver."

Senator Sutherland: "My driver's license, currently, has an endorsement on it for a commercial intermediate license, which means I am allowed to drive certain sized trucks. Each four years, when I have it renewed, that just is automatically renewed. I'm just curious if this piece of legislation would require folks like me to take another written or actual driving test when this one expires?"

Senator von Reichbauer: "The answer is 'yes.'"

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5441.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogt, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Sutherland, Warnke - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5370, by Senators Gaspard and Bailey

Regarding school self-study.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 2, line 22, after "size" insert "and staffing patterns"

On motion of Senator Bailey, the rules were suspended. Engrossed Senate Bill No. 5370 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5370.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Owen - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5370, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5071, by Senators Smith, Craswell and Stratton

Regarding surrogate parenting.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5071 was substituted for Senate Bill No. 5071 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended. Substitute Senate Bill No. 5071 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5071.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West - 32.

Voting nay: Senators Bauer, Bluechel, Fleming, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Rinehart, Talmadge, Warnke, Williams, Wojahn - 15.

Absent: Senator Vognild - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5335, by Senators Smitherman, McCaslin, Cantu and Rasmussen (by request of Governor Gardner)

Improving state motor vehicle operations.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following Committee on Ways and Means amendment was adopted:



On page 9, beginning on line 30, strike all of section 11 and renumber the remaining section consecutively

On motion of Senator McCaslin, the following title amendment was adopted:  
On page 1, line 3 of the title, strike "making an appropriation."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5335.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Niemi - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5335, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5357, by Senators von Reichbauer, Moore, Rasmussen, Matson and Johnson (by request of Insurance Commissioner)

Defining insurance education provider and establishing requirements for such providers.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5357.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Matson - 1.

Absent: Senator Johnson - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5357, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Fleming was excused.

## SECOND READING

SENATE BILL NO. 5371, by Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

The bill was read the second time.

## MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5371.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5371, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5393, by Senators Johnson, Niemi, West, Kreidler, Smitherman and Smith (by request of Higher Education Coordinating Board)

Revising provisions for educational assistance for nurses.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5393 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5393.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5393 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5393, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5466, by Senators McCaslin, DeJarnatt and Thorsness (by request of Insurance Commissioner)

Removing an employee of the insurance commissioner from the building code council.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5466 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5466.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5466 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator McMullen - 1.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5466, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator McMullen was excused.

## SECOND READING

SENATE BILL NO. 5469, by Senators Nelson and Talmadge

Revising record release criteria for alcoholism treatment facility patients.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5469 was substituted for Senate Bill No. 5469 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5469 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5469.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5469 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McMullen - 2.

SUBSTITUTE SENATE BILL NO. 5469, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5484, by Senators Thorsness, Bender, McDonald, Madsen, McCaslin, Patterson, Saling, Cantu, Lee and Johnson

Creating Washington national guard day.

The bill was read the second time.

## MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 5484 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McCaslin: "Senator Thorsness, I remember in committee we were asked why January 26 was picked and you gave an answer, but I've forgotten and perhaps you could elucidate on that and let the body know why that specific date."

Senator Thorsness: "On January 26, the militia was called up, for the first time, in support of a problem that we had within our territory. It must have done well, because we are now a fine state."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5484.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Paterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McMullen - 2.

SENATE BILL NO. 5484, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5478, by Senators Amondson, Owen, Metcalf, Kreidler, DeJarnatt, McMullen and Smith

Creating a two-day steelhead punchcard.

The bill was read the second time.

## MOTIONS

Senator Amondson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 Section 13, chapter 310, Laws of 1981 as last amended by section 88, chapter 506, Laws of 1987 and RCW 77.32.360 are each amended to read as follows:

(1) ((A)) An annual steelhead punchcard, or two consecutive day steelhead punchcard, is required to fish for steelhead trout. ((The fee for this punchcard is fifteen dollars.))

(a) The fee for an annual steelhead punchcard is fifteen dollars and for a two consecutive day steelhead punchcard is ten dollars.

(b) A two consecutive day steelhead punchcard shall be issued. A person may purchase more than one two consecutive day card a year. A fishing license is required to obtain a two consecutive day steelhead punchcard. The two consecutive day steelhead punchcard is valid for a total catch as provided by rule.

(2) Persons possessing steelhead trout shall immediately validate their annual punchcard or two consecutive day punchcard as provided by rule.

(3) Annual steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns ((a)) an annual steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

(6) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(7) Upland bird punchcards required under this section expire March 31st following the date of issuance."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Amondson to Senate Bill No. 5478.

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

## MOTIONS

On motion of Senator Amondson, the following title amendment was adopted:

On page 1, line 1 of the title, after "birds;" strike the remainder of the title and insert "and amending RCW 77.32.360."

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 5478 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5478.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Bauer, Smith - 2.

Excused: Senators DeJarnatt, McMullen - 2.

ENGROSSED SENATE BILL NO. 5478, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5489, by Senators McCaslin, DeJarnatt and Thorsness

Clarifying the filing requirements of short subdivision surveys.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5489 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5489.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5489 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McMullen - 2.

SENATE BILL NO. 5489, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:31 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Thursday, March 9, 1989.

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

## SIXTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 9, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Fleming, Kreidler and McMullen. On motion of Senator Warnke, Senators Bender and Kreidler were excused. On motion of Senator Williams, Senator DeJarnatt was excused.

The Sergeant at Arms Color Guard, consisting of Pages Staci Kristin and Alan Clark, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Lacey, offered the prayer.

### MOTION

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

### INTRODUCTION AND FIRST READING

SB 6087 by Senators Benitz, Conner and Williams

AN ACT Relating to the regulation of petroleum prices; amending RCW 80.04.010, 80.01.040, 80.28.080, 80.28.090, and 80.28.100; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6088 by Senators Patterson, Bender and Nelson

AN ACT Relating to license fees for public transportation vehicles; amending RCW 46.16.020; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

### MOTION

On motion of Senator Newhouse, Engrossed Second Substitute House Bill No. 1793, which was introduced and held on the desk March 6, 1989, was referred to the Committee on Ways and Means.

### SECOND READING

### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9102, Susan E. Gould, as a member of the Board of Trustees for Central Washington University, was confirmed.

### APPOINTMENT OF SUSAN E. GOULD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Fleming, McMullen - 2.

Excused: Senators Bender, DeJarnatt, Kreidler - 3.

### MOTION

On motion of Senator Warnke, Senator Fleming was excused.

## MOTION

On motion of Senator McDonald, gubernatorial appointment No. 9037, Thomas Kobler, as director of the Washington State Basic Health Plan Agency, was confirmed.

## APPOINTMENT OF THOMAS KOBLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Bender, DeJarnatt, Fleming, Kreidler - 4.

## MOTION

On motion of Senator McDonald, gubernatorial appointment No. 9049, Gary Moore, as a member of the State Investment Board, was confirmed.

Senator Johnson spoke to the confirmation of Gary Moore as a member of the State Investment Board.

## APPOINTMENT OF GARY MOORE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Matson, Vognild - 2.

Excused: Senators Bender, DeJarnatt, Fleming - 3.

## SECOND READING

SENATE BILL NO. 5502, by Senators Amondson, Kreidler, Smith and Owen

Revising advertising and sale requirements for valuable materials.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5502 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5502.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, DeJarnatt, Fleming - 3.

SENATE BILL NO. 5502, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5503, by Senators Patterson, Vognild, Newhouse, Gaspard, Sellar, Bauer, Craswell, Warnke, Talmadge and Johnson

Establishing the Cherberg scholarship program.

## MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5503 was substituted for Senate Bill No. 5503 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5503 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5503.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5503, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5536, by Senators McCaslin, DeJarnatt, McDonald, Bailey, Gaspard, Wojahn, West, Rasmussen, Warnke, Nelson, Vognild, Johnson, Kreidler, Pullen, Moore, Thorsness, Smith, Hansen, Conner, Saling, Sellar, Madsen, Talmadge, Fleming, Smitherman, Bender, Owen, McMullen, Sutherland and Bauer

Revising provisions for the state employees' benefits board.

The bill was read the second time.

## MOTIONS

On motion of Senator Moore, the following amendment was adopted:

On page 2, after line 1, insert the following:

"NEW SECTION, Sec. 2. This act shall take effect October 1, 1990."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 2 of the title, after "41.05.055" insert "; and providing an effective date"

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5536 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5536.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SENATE BILL NO. 5536, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5542, by Senator Lee

Providing for review of regulatory rules.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5542 was substituted for Senate Bill No. 5542 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5542 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5542.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED SENATE BILL NO. 5542, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5547, by Senators Smith and West

Regarding payment of jail processing costs by criminal defendants.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5547 was substituted for Senate Bill No. 5547 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5547 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5547.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5547 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5547, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5579, by Senators McCaslin, Lee, DeJarnatt and Rasmussen (by request of Office of Financial Management)

Authorizing state agencies to report past due accounts receivable to credit reporting agencies.

The bill was read the second time.

## MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 5579 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5579.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5579 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5579, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5580, by Senators McCaslin and DeJarnatt (by request of Office of Financial Management)

Allowing write-offs of uncollectible accounts.

The bill was read the second time.

## MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 5580 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5580.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SENATE BILL NO. 5580, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5581, by Senators McCaslin, DeJarnatt and Rasmussen (by request of Office of Financial Management)

Establishing liability for state trust funds.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5581 was substituted for Senate Bill No. 5581 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5581.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5581, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5622, by Senators Craswell, Nelson and Lee (by request of Human Rights Commission)

Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 11, after "trained" strike "dog guide" and insert "((dog)) guide dog or service dog"

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5622 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5622.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5622 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5622, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5636, by Senators Smitherman and Lee (by request of Employment Security Department)

Revising the state/federal relationship regarding unemployment compensation benefits, recovery, and confidentiality.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 5636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5636.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5636 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5636, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Vognild was excused.

## SECOND READING

SENATE BILL NO. 5641, by Senators von Reichbauer and Moore

Setting service charge limits on vessel retail installment contracts.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5641 was substituted for Senate Bill No. 5641 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended. Substitute Senate Bill No. 5641 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5641.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5641, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5648, by Senators Smitherman, Lee, Murray and Vognild

Authorizing creation of a federation of Washington ports.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5648 was substituted for Senate Bill No. 5648 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended. Substitute Senate Bill No. 5648 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5648.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5648 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 42.

Voting nay: Senators Gaspard, Madsen, Rasmussen, West, Wojahn - 5.

Absent: Senator Fleming - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5648, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5657, by Senators McCaslin and DeJarnatt (by request of Secretary of State)

Consolidating standards for establishing voting precinct boundaries.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5657 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5657.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5657 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5657, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5677, by Senators Pullen, Bailey and Johnson

Prohibiting public officials from misrepresenting daily operations to inspectors.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following amendments were considered simultaneously and were adopted:

On page 1, beginning on line 6, after "No" strike all material through "agency" on line 7, and insert "superintendent of a state institution"

On page 1, line 9, after "facility," insert "For purposes of this section, "superintendent" shall include the superintendents of the state institutions for the mentally ill, developmentally disabled, deaf and blind, veterans, juvenile rehabilitation, and adult corrections."

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5677 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5677 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Voting nay: Senators Patterson, West - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5677, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5688, by Senators Sutherland and Bauer

Allowing disabled persons to use power fishing reels.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5688.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Patterson - 1.

Absent: Senator Saling - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5702, by Senators Lee, McMullen and Smitherman

Providing for a study of state licensing policies and procedures.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5702.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Owen, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Patterson - 1.

Absent: Senator Saling - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5771, by Senator Nelson

Clarifying the process for perfecting interests in the assignment of rents.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5771 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5771.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5771 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Bender - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5771, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5776, by Senator Pullen

Regarding training for law enforcement officers and establishing a fund for drug training.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5776 was substituted for Senate Bill No. 5776 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5776 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Smitherman: "Senator Pullen, you spoke of the people being required to take the course. Is there any particular standard that they have to achieve before they are let out of the course or anything like that, or is it just a matter of enrolling in and taking a course? It's unclear to me."

Senator Pullen: "I am not familiar with all the details of the course. It's a very long and involved course, lasting many, many weeks and it's my understanding there are standards that they have to meet, but I can't tell you what each and every standard is."

#### MOTION

On motion of Senator Smith, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5776.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5776 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Hansen, Patterson - 2.

Excused: Senators Anderson, DeJarnatt - 2.

SUBSTITUTE SENATE BILL NO. 5776, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5782, by Senators Benitz, Hansen, Barr and Newhouse

Establishing criminal penalties for defrauding a public utility.

## MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5782 was substituted for Senate Bill No. 5782 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 5782 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5782.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Anderson, DeJarnatt - 2.

SUBSTITUTE SENATE BILL NO. 5782, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5786, by Senators Owen and Nelson

Relocating certain harbor lines.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5786 was substituted for Senate Bill No. 5786 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5786 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5786.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5786 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson,



McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Anderson, DeJarnatt - 2.

SUBSTITUTE SENATE BILL NO. 5786, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Smith, Senator Bluechel was excused.

#### SECOND READING

SENATE BILL NO. 5790, by Senators von Reichbauer, Fleming, Johnson, McCaslin and McMullen

Regulating the sale of loan servicing.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5790.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Sutherland - 1.

Excused: Senators Anderson, Bluechel, DeJarnatt - 3.

SUBSTITUTE SENATE BILL NO. 5790, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5812, by Senators McCaslin, Warnke, Lee and Johnson

Prohibiting local regulation of public liability insurance for motor vehicle common carriers to the state.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5812 was substituted for Senate Bill No. 5812 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5812 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5812.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5812 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson,

Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Gaspard, Talmadge - 2.

Excused: Senators Anderson, DeJarnatt - 2.

SUBSTITUTE SENATE BILL NO. 5812, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5819, by Senators Metcalf, Owen, Rasmussen and Brauer

Increasing the penalties for poaching, including seizure and forfeiture of certain personal property.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5819 was substituted for Senate Bill No. 5819 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5819 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Metcalf, you know, I don't hunt or fish, I play golf. There's some poachers out there; they steal your golf balls, you know, but not too many and it's really not under the game department."

Senator Metcalf: "I understand you spend a lot of time hunting for the golf balls."

Senator McCaslin: "Yes, that's true, but we don't need a license. How do you tell when a guy is a poacher or he's not a poacher, unless he's shooting loons or eagles or something like that."

Senator Metcalf: "By season, or by a count. If you've got two or three elk in the back of the pick-up and there is just one guy or something like that, you have a problem. Some animals, bald eagles for example, if you have a dead bald eagle in your possession, you're dead. I mean, they have you, you know. Some things are just completely protected species, never to be hunted. It's up to the wildlife agent, to answer your question, it's up to the wildlife agent to make the arrest and prove the point."

Senator McCaslin: "You don't have to bring up bald eagles when you're talking to me. Are you sure that an innocent party or an innocent hunter will never have any of his equipment confiscated without hearing or due process? They just go out and grab stuff."

Senator Metcalf: "This is always a danger. This is a danger, whether it's murder or a mugging or whatever, and I guess theoretically that you can imagine that a possibility would exist, but in actual fact, today given all the rights that we extend to the accused, and properly so, the ones that you finally convict, I feel confident--the ones that I've been aware of--I feel very confident that they are guilty."

Senator McCaslin: "If they seized a boat or rifle or something and they were wrong, what is the penalty for that--for the Game Department?"

Senator Metcalf: "Well, if they seized it and then later through a series of court cases the person was found innocent--they only seize in the case--it says, 'Articles seized may be forfeited to the department if the poacher is convicted, enters a plea of guilty, or forfeits bail,' so the final act of seizure is after the case is concluded. They may impound, but they would only seize and take the title at a time when the case is concluded."

Senator McCaslin: "But, it doesn't address where they've wrongfully seized something."

Senator Metcalf: "Well, they can impound until it's decided, but that isn't wrongful seizure. They only seize when the case is settled as far as I know. Maybe that doesn't answer your question, but that's all I know about it."

#### MOTION

On motion of Senator Bender, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5819.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Hayner, Matson, McCaslin, Patterson, Saling, Stratton - 6.

Excused: Senators DeJarnatt, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 5819, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5824, by Senators Johnson and McMullen

Revising the provision for payment of certain health care services.

The bill was read the second time.

#### MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendments were considered simultaneously and were adopted:

On page 1, line 9, after "18.57," insert "18.64."

On page 1, line 10, after "18.71." insert "18.73."

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 5824 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5824.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Rinehart - 1.

Absent: Senators McDonald, Pullen - 2.

Excused: Senators DeJarnatt, Warnke - 2.

ENGROSSED SENATE BILL NO. 5824, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5827, by Senators Barr and Moore

Providing pet identification and certification procedures to minimize theft.

## MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5827 was substituted for Senate Bill No. 5827 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5827.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5827 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 5827, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5835, by Senators Benitz and Rasmussen

Creating an energy information program for local school district use.

## MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5835 was substituted for Senate Bill No. 5835 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the following amendment was adopted:

On page 1, line 2, after "chapter" strike "28A.05" and insert "28A.03"

On motion of Senator Benitz, the following amendment was adopted:

On page 1, line 18, after "chapter" strike "28A.05" and insert "28A.03"

## MOTION

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rinehart: "Senator Bailey, this is a bill which mandates a program to the Superintendent of Public Instruction. Can you tell me why this bill was not handled by the Education Committee?"

Senator Bailey: "I think it was routed through the other committee because it's an energy matter. When we found out about it--the crush of work in our Education Committee--we had thirty-one bills in three days, and this good bill would not have been carried or we would have lost some of the fine bills that we passed yesterday. In the future, I will try and see they are routed properly."

Senator Rinehart: "I would appreciate that Senator Bailey, because as you can well tell, if a bill for legal education were to go through the Law and Justice Committee; if a bill for agricultural education were to go through the Agricultural Committee, by the end of the session, we could have fifteen or twenty new programs mandated without the Superintendent of Public Instruction having even known about them. I appreciate your commitment, in the future, to be sure that all programs which mandate material to go through our public schools indeed go through the Senate Education Committee."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, could you tell me why it's necessary we pass a law and why this hasn't been part of the curriculum? This is the life blood of the nation--energy--and they haven't been studying it in the schools and they don't even know where the dams are--a lot of them--and a lot of them think it comes from the fairy godmother. I think it's very important that they do learn where our energy comes from--all sorts. Could you explain why they haven't been studying this in the schools?"

Senator Rinehart: "No."

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5835.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Gaspard, Rinehart, Vognild - 3.

Excused: Senators DeJarnatt, Matson, Warnke - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5857, by Senators Bailey, DeJarnatt, McCaslin, Bender, Matson, Bauer and Lee

Authorizing transfer of fixed assets acquired under bonds authorized for facilities for the developmentally disabled.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5857 was substituted for Senate Bill No. 5857 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5857 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5857.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5857 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Warnke - 3.

SUBSTITUTE SENATE BILL NO. 5857, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5866, by Senators Rasmussen, Pullen and Talmadge  
 Permitting the use of credit cards to pay certain taxes.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5866 was substituted for Senate Bill No. 5866 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland, Rasmussen and McCaslin be adopted:

On page 1, after line 10, insert the following:

\*Sec. 2. Section 2, chapter 155, Laws of 1980 as amended by section 14, chapter 222, Laws of 1988 and RCW 84.40.030 are each amended to read as follows:

(1) All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

(2) Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. ~~((Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.))~~

(3) The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

~~((t))~~ (a) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, ~~((a))~~ (1) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and ~~((b))~~ (2) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

~~((z))~~ (b) In addition to sales as defined in (a) of this subsection ~~((t))~~, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property.

(c) In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of (b) of this subsection ~~((z))~~ shall be the dominant factors in valuation. When provisions of (b) of this subsection ~~((z))~~ are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

~~((3))~~ (d) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists.

(e) In valuing real property, the determination of true and fair value may not be based on a use that is not permitted under applicable land use classifications and zoning standards.

(f) In valuing agricultural land, growing crops shall be excluded."

## POINT OF ORDER

Senator McDonald: "Mr. President, I would challenge this amendment on the basis that it's outside the scope and object of the bill. This is a fairly modest bill, a far reaching one of course, that deals with credit card purchases and credit card payments to the state. Whereas Senator Sutherland's amendment, although it may be meritorious, deals with a valuing of real property and it's determination of true and fair value, talking about zoning standards, et cetera. It seems to me that this is far outside of the intent of Senator Rasmussen and his bill. I hope that you would rule so."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5866 was deferred.

## MOTION

At 11:41 a.m., on motion of Senator Newhouse, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:31 p.m. by President Pritchard.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

On motion of Senator Saling, Gubernatorial Appointment No. 9103, Phyllis G. Kenney, as a member of the Board of Trustees for Seattle Community College District No. 6, was confirmed.

Senator Talmadge spoke to the confirmation of Phyllis G. Kenney as a member of the Board of Trustees for Seattle Community College.

## MOTION

On motion of Senator Talmadge, Senator Moore was excused.

## APPOINTMENT OF PHYLLIS G. KENNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 43.

Absent: Senators Benitz, McCaslin, Williams - 3.

Excused: Senators DeJarnatt, Matson, Moore - 3.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5866 and the pending amendment by Senators Sutherland, Rasmussen and McCaslin on page 1, after line 10, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McDonald, the President finds that Substitute Senate Bill No. 5866 is a measure which expands the methods by which county treasurers must accept payment of taxes.

"The amendment proposed by Senators Sutherland, Rasmussen and McCaslin changes the valuation of real property by prohibiting a determination of true and fair value on a use that is not permitted under applicable land use classifications and zoning standards.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Sutherland, Rasmussen and McCaslin on page 1, after line 10 to Substitute Senate Bill No. 5866 was ruled out of order.

## MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5866 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5866.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5866 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson,

Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Moore - 3.

SUBSTITUTE SENATE BILL NO. 5866, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5868, by Senator Kreidler

Allowing hunters to use big game permits in January following the year of issuance.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5868 was substituted for Senate Bill No. 5868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the following amendment was adopted:

On page 1, line 6, after "Hunters" strike "which" and insert "who"

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5868 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5868.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senator Matson was excused.

#### SECOND READING

SENATE BILL NO. 5887, by Senators DeJarnatt and Smith

Allowing boards of county commissioners to appoint representatives to air pollution control authorities.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5887 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5887.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5887 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.



Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Moore - 3.

SENATE BILL NO. 5887, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Smith, Senators Amondson, Anderson and Patterson were excused.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Talmadge moved to immediately reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate earlier today.

Debate ensued.

#### MOTION

On motion of Senator Hayner, further consideration of the motion to reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate, was deferred.

#### SECOND READING

SENATE BILL NO. 5927, by Senators Benitz and Stratton

Prohibiting the state from paying meeting costs for other compact member states.

#### MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5927 was substituted for Senate Bill No. 5927 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 5927 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5927.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5927 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Anderson, DeJarnatt, Matson, Moore, Patterson - 6.

SUBSTITUTE SENATE BILL NO. 5927, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5947, by Senators McMullen, Pullen, Niemi, Talmadge, Murray and Anderson

Establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5947 was substituted for Senate Bill No. 5947 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5947 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5947.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Anderson, DeJarnatt, Matson, Moore - 4.

SUBSTITUTE SENATE BILL NO. 5947, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of the motion by Senator Talmadge to immediately reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate.

The motion by Senator Talmadge for reconsideration carried.

#### MOTION

On motion of Senator Metcalf, the rules were suspended and Substitute Senate Bill No. 5819, on reconsideration, was returned to second reading and read the second time.

#### MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Patterson be considered simultaneously and be adopted:

On page 1, line 18, after "commission" insert "involving endangered species, deer, elk, bear, native cats, raptors, steelhead trout, and any other wildlife species which are sold for commercial purposes."

On page 3, line 7, after "(2)" strike all material through and including line 13, ending "offenses." and insert "An authorized state, county, or municipal officer may be subject to civil liability under section 2 of this act for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director of wildlife, the wildlife commission, or the department of wildlife may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Talmadge and Patterson on page 1, line 18, and page 3, line 7, to Substitute Senate Bill No. 5819.

The motion by Senator Talmadge carried and the amendments were adopted.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5819 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5819.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Anderson, DeJarnatt, Matson, Moore - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5819, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT RESOLUTION NO. 8202, by Senators Pullen, Talmadge, McCaslin, Thorsness, Rasmussen and Benitz

Amending the Constitution to change provisions relating to the commission on judicial conduct.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Joint Resolution No. 8202 was substituted for Senate Joint Resolution No. 8202 and the substitute joint resolution was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendment by Senators Pullen, McMullen, Talmadge, Niemi and Hayner was adopted:

On page 1, line 7, after "follows:" strike everything down through and including "statute," on page 4, line 25, and insert:

"Article IV, section 31. In order for citizens to participate fully in the judicial process, the legislature, by law, shall provide for a commission on judicial conduct and for retirement or disciplinary action against a judge or justice as deemed appropriate. The commission shall consist of judges, persons admitted to the practice of law in this state and persons who are not attorneys, as provided by the legislature. The commission shall conduct hearings regarding complaints against a judge or justice and may take disciplinary actions on its own or make disciplinary or retirement recommendations to the supreme court as provided by law. The legislature shall provide for rules of procedure and open meetings for the commission.

~~((There shall be a commission on judicial conduct consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and four persons who are not attorneys appointed by the governor and confirmed by the senate.~~

~~The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties.~~

~~The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the commission on judicial conduct recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.~~

~~Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.~~

~~Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.~~

~~The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.")~~

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 8202 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Senator Pullen, thank you and the rest for some very fine legislation, but it stresses open meetings. It doesn't stress whether it be under the Open Meetings Act law or whether we will draft rules and regulations for open meetings? After Senator Talmadge's remarks, I'm in a little quandary."

Senator Pullen: "The answer to your question is that the constitutional amendment is fairly broadly written in that regard. The Legislature would have flexibility on how to approach the subject. I would draw your attention to the bill that will soon be coming up before us, Substitute Senate Bill No. 5186, and the floor amendment that will soon be distributed. In the floor amendment, there are two provisions. In Section 5, the Commission is put under the Administrative Procedures Act. That would result in more open notice and more input to and from the public, and more public scrutiny. Then, finally, in a later section of the bill, Section 11, we specify that the Commission is subject to the Open Meetings Act, Chapter 42.30 RCW, so those are the structural ways in which we will implement the openness."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Resolution No. 8202.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8202 and the joint resolution passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Hanson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Hayner - 1.

Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5186, by Senators Pullen, Talmadge, McCaslin, Nelson, Thorsness and Rasmussen

Changing provisions relating to the commission on judicial conduct.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5186 was substituted for Senate Bill No. 5186 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment by Senators Pullen, McMullen, Talmadge, Niemi and Hayner be adopted:

On page 1, line 7, strike everything after the enacting clause and insert:

"Sec. 1. Section 2, chapter 268, Laws of 1981 as amended by section 1, chapter 186, Laws of 1987 and RCW 2.64.010 are each amended to read as follows:

(For purposes of this chapter:) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admonish" or "admonishment" means to issue a written disposition of an advisory nature which cautions the judge or justice not to engage in certain proscribed behavior. The commission may require the judge or justice to follow a corrective course of action, which shall be set forth in writing.

(2) "Censure" means a written action of the commission requiring the judge or justice to appear personally before the commission, finding that conduct of a judge or justice is a violation of a rule of judicial conduct and detrimentally affects the integrity of the judiciary and undermines the public confidence in the administration of justice but does not require a recommendation to the supreme court that the judge or justice be suspended or removed. The commission shall require the judge or justice to follow a corrective course of action, which shall be set forth in writing.

(3) "Commission" means the commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the (~~commission~~) suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability (~~which is permanent or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term~~).

(4) "Judge or justice" includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

(5) "Remove" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of all duties of his or her office. The person is ineligible to be a judge or justice until eligibility is restored by the supreme court. At the time of removal, the office becomes vacant.

(6) "Reprimand" means a written action of the commission, requiring the judge or justice to appear personally before the commission, finding that the conduct of the judge or justice is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge or justice be suspended or removed. The commission shall require the judge or justice to follow a corrective course of action, which shall be set forth in writing.

(7) "Retire" or "retirement" means a written recommendation by the commission and a finding by the supreme court that a judge or justice has a disability which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties.

(8) "Suspend" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of the duties of his or her office by the court for a specified period of time, as determined by the court. The person is ineligible to perform any judicial duties until eligibility is restored by the supreme court.

This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

NEW SECTION. Sec. 2. A new section is added to chapter 2.64 RCW to read as follows:

All members of the commission shall be subject to confirmation by the senate. Members of the commission on the effective date of the act shall not be subject to confirmation.

Sec. 3. Section 6, chapter 268, Laws of 1981 and RCW 2.64.050 are each amended to read as follows:

The commission shall appoint an executive secretary, subject to confirmation by the senate.

The executive secretary shall have (1) a law degree or a background in law enforcement, (2) at least five years' investigative or prosecutorial experience, and (3) any additional qualifications as established by the commission. The commission may employ (~~any~~) other personnel, including (~~lawyers~~) attorneys, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. The commission may hire attorneys by personal service contract to conduct initial proceedings regarding a complaint against a judge or justice. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

(1) The commission is authorized to impose the following disciplinary actions, in increasing order of severity: (a) Admonishment; (b) reprimand; or (c) censure. If the conduct of the judge or justice warrants more severe disciplinary action, the commission may recommend to the supreme court the suspension or removal of the judge or justice.

(2) In determining the appropriate disciplinary action, the following factors, among others, shall be considered: (a) Whether the misconduct is an isolated incident or evidences a pattern of conduct; (b) the nature, extent, and frequency of occurrence of the acts of misconduct; (c) whether the misconduct occurred in or out of the courtroom; (d) whether the misconduct occurred in the judge's official capacity or in the judge's private life; (e) whether the judge has acknowledged or recognized that the acts occurred; (f) whether the judge has evidenced an

effort to change or modify his or her conduct; (g) the length of service on the bench; (h) whether there have been prior complaints about the judge; (i) the effect the misconduct has upon the integrity of and respect for the judiciary; and (j) the extent to which the judge exploited his or her position to satisfy personal desires.

(3) The commission shall develop rules which provide for more severe disciplinary action when a judge or justice has violated the same or substantially similar rule of judicial conduct for a second or subsequent time.

NEW SECTION, Sec. 5. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall establish rules for the commission pursuant to chapter 34.05 RCW, the administrative procedure act. The rules shall provide for due process and confidentiality, with due regard for waiver of confidentiality and the privacy interests of judges and justices, persons filing complaints with the commission, and persons giving information to the commission.

Any person violating a rule or statute on confidentiality is subject to a proceeding for contempt in superior court.

NEW SECTION, Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation, initial proceeding, or executive session involving the discipline or retirement of a judge or justice, are exempt from the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION, Sec. 7. A new section is added to chapter 2.64 RCW to read as follows:

Complaints against a judge or justice for violating a rule of judicial conduct or complaints that a judge or justice should be retired for a disability which is permanent, or is likely to become permanent, and which seriously interferes with the performance of judicial duties shall be filed with the commission. Whenever the commission receives a complaint against a judge or justice, it shall first conduct initial proceedings for the purpose of determining whether sufficient reason exists to believe that the allegation in the complaint may be true and if proven would result in disciplinary action or retirement. These initial proceedings shall be confidential except as may be provided by rule pursuant to section 5 of this act.

Upon completion of the initial proceedings, the commission shall either: Conduct a public hearing if it determines that sufficient reason exists to believe that the allegation in the complaint may be true and if proven would result in disciplinary action or retirement; or dismiss the complaint for insufficient grounds. All hearings subsequent to the initial proceedings conducted by the commission shall be open to members of the public.

Upon the completion of the commission's public hearings, the commission may only: (1) Dismiss the complaint; (2) discipline the judge or justice by admonishing, reprimanding, or censuring him or her or recommending to the supreme court that the judge or justice be suspended or removed; or (3) recommend to the supreme court that the judge or justice be retired. These shall be the only actions available to the commission. A judge or justice may only appeal a disciplinary action of the commission which admonishes, reprimands, or censures the judge or justice and such appeal shall be by direct review to the supreme court.

All actions to admonish, reprimand, or censure, and all recommendations to the supreme court to suspend, remove, or retire a judge or justice, shall immediately be made public.

If a judge or justice has been previously retired by the supreme court or subject to any disciplinary action by the commission or the supreme court, the nature of such actions must be made a part of the record of any initial proceedings or any subsequent public hearings.

Upon conclusion of any proceedings or hearings, the commission shall promptly notify the complainant in writing of its final disposition of the complaint.

Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position upon filing of the recommendation with the supreme court and until a final determination is made by the supreme court.

Whenever the commission adopts a recommendation of suspension or removal of a judge or justice, the commission shall concurrently file a report on the recommendation to both houses of the legislature. The house of representatives may consider the possibility of impeachment of the judge or justice under Article V of the state Constitution or removal under Article IV, section 9 of the state Constitution.

NEW SECTION, Sec. 8. A new section is added to chapter 2.64 RCW to read as follows:

Upon a recommendation by the commission, the supreme court may suspend or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties.

The supreme court may not suspend, remove, or retire a judge or justice until the court conducts a hearing, after notice to the judge or justice, to review commission proceedings and hearings and the findings against a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a judge or justice removed from office shall cease. The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken.

The retirement of a judge or justice by the supreme court pursuant to this section shall not restrict or diminish the authority of the legislature to retire a judge or justice pursuant to Article IV, section 3 (a) of the state Constitution.

NEW SECTION. Sec. 9. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to investigate and consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge or justice when such conduct relates to a complaint filed with the commission against the same judge or justice.

NEW SECTION. Sec. 10. A new section is added to chapter 2.64 RCW to read as follows:

The adjudicative proceedings, judicial review, and civil enforcement provisions of chapter 34.05 RCW, the administrative procedure act, do not apply to any investigations, initial proceedings, public hearings, or executive sessions involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 11. A new section is added to chapter 2.64 RCW to read as follows:

The commission is subject to the open public meetings act, chapter 42.30 RCW. However, investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge or justice are governed by this chapter and are exempt from the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 12. The following acts or parts of act are each repealed:

- (1) Section 4, chapter 186, Laws of 1987 and RCW 2.64.091; and
- (2) Section 12, chapter 268, Laws of 1981, section 5, chapter 186, Laws of 1987 and RCW 2.64.110.

Sec. 13. Section 15, chapter 234, Laws of 1959 as last amended by section 103, chapter 288, Laws of 1988 and RCW 34.05.030 are each amended to read as follows:

- (1) This chapter shall not apply to:
  - (a) The state militia, or
  - (b) The board of clemency and pardons, or
  - (c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.
- (2) The provisions of RCW 34.05.410 through ~~((34.05.594))~~ 34.05.598 shall not apply:
  - (a) To adjudicative proceedings of the board of industrial insurance appeals;
  - (b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;
  - (c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;
  - (d) To actions of the state personnel board, the higher education personnel board, or the personnel appeals board; ~~((or))~~
  - (e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW; or
  - (f) To disciplinary and retirement actions of the commission on judicial conduct under chapter 2.64 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.494 do not apply to a review hearing conducted by the board of tax appeals.

(4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

Sec. 14. Section 14, chapter 250, Laws of 1971 ex. sess. as amended by section 4, chapter 66, Laws of 1973 and RCW 42.30.140 are each amended to read as follows:

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

- (1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or
- (2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or
- (3) Matters governed by ~~((Title 34))~~ chapter 34.05 RCW, the Administrative Procedure Act ~~((: except as expressly provided in RCW 34.04.025));~~ or
- (4) That portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by such governing body during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in such negotiations or proceedings while in progress; or
- (5) Investigations, initial proceedings, public hearings, and executive sessions of the commission on judicial conduct involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 15. The judicial council shall conduct a study of Article IV of the Washington state Constitution. The study shall review the provisions of Article IV to determine

where revisions can be made to improve the effectiveness of the judiciary in the state. The study shall include, but not be limited to, the following issues: Senate confirmation of appointments to vacancies in judicial office, background checks of judicial candidates, and methods of appointing judges which involve the appointment of a judge by the governor from a list of qualified candidates selected by an independent commission.

The judicial council shall report its findings and recommendations to the senate committee on law and justice and the house committee on judiciary by December 1, 1989.

**NEW SECTION.** Sec. 16. Sections 1 through 14 of this act shall take effect upon the effective date of an amendment to Article IV, section 31 of the state Constitution making changes to the commission on judicial conduct. If such amendment is not validly submitted to and approved and ratified by the voters at a general election held in November 1989, sections 1 through 14 of this act shall be null and void in its entirety."

Debate ensued.

#### POINT OF INQUIRY

Senator Lee: "Senator Pullen, one of the things that I'd be interested in knowing before voting on this bill is a situation that had been happening, where individual lay citizens had filed complaints and had been at one time informed that once that complaint had been filed, they could not tell anyone else about it or they would be in contempt of court if they did so. Does this act do anything to alleviate that condition?"

Senator Pullen: "This particular bill does provide that a person should not violate rules and statutes on confidentiality and if they do, they are subject to contempt proceedings. That is essentially the current structure. Under the current structure, the Judicial Conduct Commission recently changed its rule to take care of the situation you describe. Previously, people interpreted the commission's rule to mean that if a complaint had been filed by a citizen, that citizen may not publicly make mention of the fact that a complaint has been filed, nor discuss the subject matter with any one surrounding the complaint. The recent change in rule by the commission now still prohibits discussing publicly the complaint, but the subject matter that prompted the complaint, can be discussed with any one under current rules including your friends, or legislators, or news media, or whoever. So, that situation has been resolved, I think, by the recent change in the commission's rule and the public seems to be satisfied with the current structure."

The President declared the question before the Senate to be the adoption of the amendment by Senators Pullen, McMullen, Talmadge, Niemi and Hayner on page 1, line 7, to Substitute Senate Bill No. 5186.

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

#### MOTIONS

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1, after "conduct," strike everything down through "date," on line 5, and insert: "amending RCW 2.64.010, 2.64.050, 34.05.030, and 42.30.140; adding new sections to chapter 2.64 RCW; repealing RCW 2.64.091 and 2.64.110; and providing a contingent effective date."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 5186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5186.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 45.

Voting nay: Senator Hayner - 1.

Absent: Senator West - 1.



Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:33 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, March 10, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SIXTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 10, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, DeJarnatt, Fleming, Matson, Nelson and Sutherland. On motion of Senator Bender, Senators DeJarnatt and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristine Fromhold and Daniel Copenhaver, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark Lutheran Church of Lacey, offered the prayer.

### MOTION

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

### MESSAGE FROM THE HOUSE

March 8, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1019,

HOUSE BILL NO. 1032,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1192,

SUBSTITUTE HOUSE BILL NO. 1257,

ENGROSSED HOUSE BILL NO. 1352,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369,

HOUSE BILL NO. 1404,

ENGROSSED HOUSE BILL NO. 1406,

SUBSTITUTE HOUSE BILL NO. 1426,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,

SUBSTITUTE HOUSE BILL NO. 1509,

ENGROSSED HOUSE BILL NO. 1545,

SUBSTITUTE HOUSE BILL NO. 1547,

SUBSTITUTE HOUSE BILL NO. 1548,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,

SUBSTITUTE HOUSE BILL NO. 1572,

ENGROSSED HOUSE BILL NO. 1587,

HOUSE BILL NO. 1656,

ENGROSSED HOUSE BILL NO. 1844,

HOUSE BILL NO. 1912,

ENGROSSED HOUSE BILL NO. 2001,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2030, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### INTRODUCTION AND FIRST READING

SB 6089 by Senators Sutherland and Bauer

AN ACT Relating to commercial salmon fishing; and amending RCW 75.12.132.

Referred to Committee on Environment and Natural Resources.

SB 6090 by Senator DeJarnatt

AN ACT Relating to industrial insurance claims involving third parties; and amending RCW 51.24.060.

Referred to Committee on Economic Development and Labor.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

- EHB 1019 by Representatives P. King and Scott  
Allowing home detention for certain burglars.  
Referred to Committee on Law and Justice.
- HB 1032 by Representatives Holland, H. Sommers, Fuhrman, Sayan, Heavey and Betrozoff (by request of Legislative Budget Committee)  
Providing for general obligation bonds.  
Referred to Committee on Ways and Means.
- ESHB 1192 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Kremen, Winsley, Baugher, Fuhrman, Bristow, Rayburn, Nealey, Cooper, Smith, Raiter, Doty, H. Myers, Rasmussen and Miller)  
Authorizing special assessments and a grant program for conservation districts.  
Referred to Committee on Agriculture.
- SHB 1257 by Committee on Transportation (originally sponsored by Representatives Gallagher, S. Wilson, Baugher, Crane, R. Meyers, Day, Cantwell, Walk, Haugen and R. Fisher)  
Regulating overdimensional load service.  
Referred to Committee on Transportation.
- EHB 1352 by Representatives Morris, Prince, Rector and Sayan (by request of Governor Gardner)  
Broadening the definition of executive state officer.  
Referred to Committee on Governmental Operations.
- ESHB 1369 by Committee on Environmental Affairs (originally sponsored by Representatives Brough and Rust)  
Promoting improvements of waterfront sewer systems.  
Referred to Committee on Environment and Natural Resources.
- HB 1404 by Representatives Braddock and Haugen  
Creating exemption to interlocal cooperation contracts.  
Referred to Committee on Higher Education.
- EHB 1406 by Representatives Cole, Peery, Holland, Dorn, Hankins, Pruitt, Winsley, G. Fisher, Brumsickle, Ebersole, Miller, R. Fisher, R. Meyers, Phillips, Rasmussen, Wang, Rust, Jesernig, Jones, Ferguson, Cooper, Fraser, P. King, R. King, Hine, Dellwo, Sprengle and Belcher  
Establishing the school and educational service district pay equity and job analysis assessment project.  
Referred to Committee on Education.
- SHB 1426 by Committee on Fisheries and Wildlife (originally sponsored by Representatives Winsley, R. King and P. King)  
Relating to the hound stamp.  
Referred to Committee on Environment and Natural Resources.
- ESHB 1504 by Committee on Environmental Affairs (originally sponsored by Representatives R. King, D. Sommers, Todd, Belcher, Fraser, S. Wilson, Schmidt, Phillips and Cooper)  
Providing for the evaluation of indoor air quality in public buildings.  
Referred to Committee on Environment and Natural Resources.

SHB 1509 by Committee on State Government (originally sponsored by Representatives Todd, Leonard, Cole, Crane, Dellwo and Prentice)

Creating a Recognition day.

Referred to Committee on Governmental Operations.

EHB 1545 by Representatives Schmidt, R. Fisher, Betzoff, Jacobsen, Rust, Holland, Walk, Wood, H. Sommers, Walker, Sprengle, Hankins, S. Wilson, Patrick, Smith, Haugen, Horn and Winsley (by request of Legislative Transportation Committee)

Increasing penalties for registering a vehicle in another state.

Referred to Committee on Transportation.

SHB 1547 by Committee on Judiciary (originally sponsored by Representatives Schmidt, Appelwick, Moyer, Brough, Van Luven and Schoon) (by request of Department of Social and Health Services)

Providing for medical support enforcement.

Referred to Committee on Law and Justice.

SHB 1548 by Committee on Judiciary (originally sponsored by Representatives H. Myers, Appelwick, Moyer, Brough and Sprengle) (by request of Department of Social and Health Services)

Changing requirements for establishing paternity.

Referred to Committee on Law and Justice.

ESHB 1553 by Committee on Trade and Economic Development (originally sponsored by Representatives Raiter, Cantwell, Doty, Wineberry, Schoon, Wolfe, Wood, Horn, Ferguson, Rector, G. Fisher, Silver, Ebersole, Phillips, Vekich, Cooper, Inslee, Brumsickle, Youngsman, Walk, Bowman, Basich, Tate, Betzoff, Belcher, Braddock, Morris, Beck, Jacobsen, Walker, Pruitt, Rayburn, Kremen, May, R. King, Todd, Winsley, Rasmussen, Spanel, P. King and Sprengle) (by request of Governor Gardner)

Creating the Washington economic development finance authority.

Referred to Committee on Economic Development and Labor.

SHB 1572 by Committee on State Government (originally sponsored by Representatives R. Fisher and McLean) (by request of Secretary of State)

Clarifying procedures for nominations of minor parties and independent candidates.

Referred to Committee on Governmental Operations.

EHB 1587 by Representatives Nutley, Haugen, Braddock, Winsley, R. Fisher, Wang, Pruitt, Wineberry, Todd, Leonard, Jones, Rust, Jacobsen and Phillips

Encouraging the dispersion of child care facilities throughout Washington.

Referred to Committee on Children and Family Services.

HB 1656 by Representative Crane

Changing land development regulations.

Referred to Committee on Financial Institutions and Insurance.

EHB 1844 by Representatives Doty, Rasmussen, Heavey, Cole, Ballard, Leonard, Schoon, Nealey, Walker, Ferguson, May, Moyer, Brough, Miller, Bowman, Wood and Patrick

Regulating house-to-house sales.

Referred to Committee on Economic Development and Labor.

HB 1912 by Representatives Bowman, Patrick, Brumsickle, Belcher, Padden, Tate, Walker, Wolfe, Silver, Fraser, Van Luven, Schmidt, Moyer, Brough, Betzoff, Locke, Brooks, Vekich, Appelwick, Wood, Youngsman, McLean, Baugher, D. Sommers, Scott, Holland, Horn, Winsley, Dorn, Doty and Rasmussen

Authorizing a juvenile court administrator to fingerprint juvenile offenders under certain conditions.

Referred to Committee on Law and Justice.

EHB 2001 by Representatives Rayburn, Baugher and Sayan

Revising provisions regarding livestock.

Referred to Committee on Agriculture.

ESHB 2030 by Committee on Local Government (originally sponsored by Representatives Hine, Nelson, Phillips, Todd, Valle, K. Wilson, Haugen and Brekke)

Restricting the composition of metropolitan municipal councils.

Referred to Committee on Governmental Operations.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9104, Donald L. Olson, as a member of the Board of Trustees for Spokane Community College District No. 17, was confirmed.

APPOINTMENT OF DONALD L. OLSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bluechel, Matson, Nelson, Sutherland - 4.

Excused: Senators DeJarnatt, Fleming - 2.

MOTION

On motion of Senator Vognild, the following resolution by Senator DeJarnatt was adopted:

SENATE RESOLUTION 1989-8638

by Senator DeJarnatt

WHEREAS, The Raymond High School Lady Gulls basketball team has capped a perfect 28-0 season with a State Class B Championship; and

WHEREAS, In accomplishing this admirable feat, team members, Tera Deatherine, Kristen Zellar, Briana Enlow, Kaelea Maikaiwi, Krysty Bair, Jennifer Quinn, Jodi Corwin, Tamara Barnes, Ronalda Dunn, Katrina Moudy, and Diana Stritmatter, also maintained a team grade point average of 3.37; and

WHEREAS, Coaches, Dave Sandgren and Bill Norton, and managers, Krista Blevins, Joy Snow, and Lisa Cody, provide the guidance and support necessary for this state title; and

WHEREAS, Every team requires the support of the school and community in order to be successful; and

WHEREAS, Cheerleaders, Sherry Stritmatter, Lou Ann Swogger, Jennifer Lush, Nicole Bridgewater, and Jamie Flemetis, focused that fan support with the help of pep band leader, Dave Lund, and band members, Tami Cox, Amy Martin, Merina Warnstadt, Mindi Tambellini, Ann Gruginski, Tammie Barnum, Alicia Saul, Tracy Coty, Diane Dirkes, Tina Leber, Matt Scott, Dennis Wilson, Jeff Dennett, Omm'a Givens, Robert Barnum, Eric Sagen, Scott Brummel, Chris McGough, David Akers,

Alan Bevington, Cliff Heckard, Shannon Richey, Missey Schnasse, Brian Edwards, and Shawn Clevenger; and

WHEREAS, Raymond takes great pride in the achievements and athletic prowess of it's sons and daughters; and

WHEREAS, The President and members of the Washington State Senate share in the pride of Raymond;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applauds the Raymond High School Lady Gulls in their perfect season, their State Class "B" Basketball Championship, and their exemplary scholastic work. The Senate also wishes them continued success in athletics, scholastics, and life; and

BE IT FURTHER RESOLVED, That the Senate directs that copies of this resolution be transmitted to Raymond High School for the team, their coaches, managers, cheerleaders, pep band, and supporters.

Senator Owen spoke to Senate Resolution 1989-8638.

#### INTRODUCTION OF SPECIAL GUESTS

President Pritchard introduced the Raymond High School Lady Gulls championship basketball team and their coaches who were seated in the gallery.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

##### MOTION

On motion of Senator McDonald, Gubernatorial Appointment No. 9058, James F. Ryan, as a member of the State Investment Board, was confirmed.

#### APPOINTMENT OF JAMES F. RYAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Matson, Sutherland - 2.

Excused: Senators DeJarnatt, Fleming - 2.

##### MOTION

On motion of Senator Bender, Senators Sutherland and Vognild were excused.

#### SECOND READING

SENATE BILL NO. 5339, by Senators Lee, Anderson, Smitherman, Johnson, McMullen, Bluechel, Sellar, Barr, Williams, Fleming and Sutherland (by request of Governor Gardner)

Creating the Washington economic development finance authority.

##### MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5339 was substituted for Senate Bill No. 5339 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the following amendment was adopted:

On page 2, line 27, after "banking" insert "or the state supervisor of savings and loans"

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Lee were considered simultaneously and were adopted:

On page 7, line 33, after "plan." insert "The authority shall submit a report annually to the legislature on their progress in meeting the objectives of the plan."

On page 15, after line 22, strike all of section 20

Renumber remaining sections and correct internal references accordingly

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5339 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5339.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5339 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Sutherland, Vognild - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5339, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5203, by Senators Anderson and Lee

Establishing the Washington state self-employment loan program.

## MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5203 was substituted for Senate Bill No. 5203 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Second Substitute Senate Bill No. 5203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5203.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Sutherland, Vognild - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5203, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Smith, Senator Matson was excused.

## SECOND READING

SENATE BILL NO. 5241, by Senators Anderson Lee, Saling, McMullen and West

Promoting small business growth.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5241 was substituted for Senate Bill No. 5241 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5241.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SUBSTITUTE SENATE BILL NO. 5241, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5647, by Senators Lee, Smitherman, Anderson and McMullen

Enabling the use of federal loan guarantees.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5647 was substituted for Senate Bill No. 5647 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5647 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5647.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5647 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Smitherman - 1.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SUBSTITUTE SENATE BILL NO. 5647, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5227, by Senators Saling, Bauer, Patterson, Stratton, Smitherman, Williams, Lee and Hansen

Establishing a state writing project to train educators.

## MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on second reading and read the second time.



Senator Saling moved that the following amendment by Senators Saling, Bauer, Stratton, Smitherman, Patterson and von Reichbauer be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that the development of the ability to communicate through the written word is crucial to successful performance in the labor market and in secondary and postsecondary education. The legislature recognizes the need to significantly improve the writing skills of common school and college students to help them succeed in higher education and in their chosen professions. The legislature intends to encourage common school and college faculty to improve the writing skills of Washington students. Curricula may be designed to train educators in techniques for teaching writing that incorporate the results of current research on writing processes. Teachers who return to college for additional course work and who are trained in this curriculum shall be encouraged to teach their fellow teachers in workshops and faculty development programs. The common schools and public institutions of higher education are encouraged to utilize any existing or planned telecommunications system in carrying out the purposes of this chapter.

**NEW SECTION.** Sec. 2. Each public institution of higher education should include the Washington state writing project as part of their curricula.

- (1) The Washington state writing project is modeled after the national writing project;
- (2) The curriculum implementing the project may be designed to systematically improve the writing skills of common school and college teachers, and the students attending common schools and postsecondary educational institutions;
- (3) The curriculum may also be designed to reach school and college personnel located in rural, urban, and suburban areas;
- (4) Participating schools, colleges, and universities are encouraged to integrate the proposed writing curriculum in institutional staff development programs;
- (5) Participating schools, colleges, and universities are encouraged to support the proposed curriculum;
- (6) The curriculum may encourage the use of participants as writing skills trainers for students and faculty of schools, colleges, and universities;
- (7) The curriculum may encourage opportunities for cooperation among various levels and segments of the common schools and postsecondary education;
- (8) Participating schools, colleges, and universities may provide continuing training and support opportunities to project participants; and
- (9) The curriculum may encourage a method for evaluating participant and student progress using measures approved by the higher education coordinating board or its designee.

**NEW SECTION.** Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 28B RCW.

**NEW SECTION.** Sec. 4. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the higher education coordinating board to carry out the purposes of this act."

#### POINT OF INQUIRY

Senator Nelson: "Senator Saling, I want to make sure on Section 4 on the twenty-five thousand dollars to the Higher Education Coordinating Board, I can't find in the rest of the bill what it is we're asking the HEC Board to do. Could you explain that?"

Senator Saling: "Yes, Senator Nelson, we're asking the HEC Board to carry out the purpose of this act, to help evaluate the participants in the student progress, with measures approved by the HEC Board or its designee. Hopefully, the HEC Board will participate by coordinating the efforts of all the universities to develop this project."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Saling, Bauer, Stratton, Smitherman, Patterson and von Reichbauer to Substitute Senate Bill No. 5227.

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

#### MOTION

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and making an appropriation."

#### MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5227.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5364, by Senators Metcalf, DeJarnatt, Bluechel, Kreidler, Owen, McMullen, Talmadge, Lee, Bailey and West

Addressing plastic debris in marine environment.

The bill was read the second time.

#### MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 16, strike all material down through "act." on line 21 and insert the following:

**NEW SECTION.** Sec. 7. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

Renumber the remaining sections consecutively.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, strike "making an appropriation;" and insert "creating a new section:"

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 5364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I don't really understand. Are you developing a plan? You spoke of the medical debris that was on the beaches. They found that that was coming from an aircraft carrier that had dumped it--our own ships. I imagine they can correct that by a little chastising of the skippers, but what is this other plan that you have envisioned?"

Senator Metcalf: "Well, this is a plan developed by the Department of Natural Resources to deal with marine plastics, generally. That case that I mentioned was just an example of some of the problems that we've had that forced us to recognize that we're going to have to deal with the whole problem of marine plastics. You've seen the pictures of the sea life that's been entrapped in plastic and so forth. We have to deal with this problem and this is their plan that we're putting into effect."

#### MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5364.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Barr, Rasmussen - 2.

Excused: Senators Bluechel, DeJarnatt, Fleming, Matson, Sutherland - 5.

ENGROSSED SENATE BILL NO. 5364, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

March 10, 1989

I did not vote on Engrossed Senate Bill No. 5364 because of a potential conflict of interest. My wife, through her own company, Jeanne Ehrlichman Bluechel and Associates has been asked by the Department of Natural Resources to bid on a small personal services contract that would include among other tasks the designing of a system for a public/private partnership on the clean-up of plastics and marine debris.

In January, I signed the bill as a secondary sponsor, not knowing that this request would be made to my wife's company.

The Department of Natural Resources made this request on or about March 1, 1989, because of previous experience with her company while she was consulting on private projects.

SENATOR ALAN BLUECHEL,  
45th District

## SECOND READING

SENATE BILL NO. 5204, by Senators Anderson, McMullen, Lee, Smitherman, West and Saling

Permitting the establishment of business and industrial development corporations.

The bill was read the second time.

## MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendments were considered simultaneously and were adopted:

On page 27, after line 20, insert the following:

NEW SECTION, Sec. 25. The legislative budget committee shall, by January 1, 1992, conduct analyses of business industrial development corporations. The analyses shall provide information on any costs to the state resulting from the operation of the corporation as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to their activities.

The analysis shall include a review of: The number of firms; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm and community as a result of program assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by communities and firms assisted by the program; and sales volume trends for each firm assisted by the program."

Renumber the sections consecutively and correct internal references accordingly.

On page 27, after line 20, strike all material down through line 29 and insert the following:

NEW SECTION, Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

Senator Smitherman moved that the following amendment be adopted:

On page 19, after line 4, insert the following:

\*Sec. 16, Section 82.04.300, chapter 15, Laws of 1961 as last amended by section 213, chapter 3, Laws of 1983 and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under ~~(RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280 and 82.04.290 other than those whose)~~ this chapter. In computing tax there may be deducted from the measure of tax the value of products, gross proceeds of sales, or gross income of the business ~~((is less than one))~~ not to exceed eight thousand dollars per month: PROVIDED, That where one person engages in more than one business activity ~~((and))~~ the combined ~~((measures of the tax applicable to such businesses equal or))~~ deduction allowed by this section may not exceed ~~((one))~~ eight thousand dollars per month ~~((no exemption or deduction from the amount of tax is allowed by this section)).~~

Any person claiming ~~((exemption))~~ a deduction under ~~((the provisions of))~~ this section may be required to file returns even though no tax may be due: PROVIDED, FURTHER, That the department of revenue may allow ~~((exemptions))~~ deductions, by general rule ~~((or regulation))~~, in those instances in which quarterly, semiannual, or annual returns are permitted. ~~((Exemptions))~~ Deductions for such periods shall be equivalent in amount to the total of ~~((exemptions))~~ deductions for each month of a reporting period."

#### POINT OF ORDER

Senator West: "Thank you, Mr. President. I would call for a point of order. The amendment is obviously beyond the scope of object of the bill. While it's a good and well intentioned amendment, and something I think that we would like to do in some form of tax reform, it is well beyond the scope. The bill before us is a BIDCO bill that provides a mechanism for new investment in state businesses. It contains a tax credit provision that applies only to those businesses which put money into BIDCO for investment purposes. The proposed amendment goes beyond the original bill. In effect, it changes a tax credit that's currently in law, to a tax exemption for all businesses, not just those businesses that are investing in new small businesses. So, it's quite obvious that this amendment, while well intentioned and a good amendment that we probably ought to adopt in another bill or should be a bill by itself, is well beyond the scope of object."

Further debate ensued.

#### MOTION

On motion of Senator Nelson, further consideration of Senate Bill No. 5204 was deferred.

#### SECOND READING

SENATE BILL NO. 5663, by Senators McCaslin, DeJarnatt, Thorsness, Newhouse and Vognild

Authorizing counties to defend county officials in recall actions.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5663 was substituted for Senate Bill No. 5663 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5663 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5663.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5663 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SUBSTITUTE SENATE BILL NO. 5663, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5474, by Senators Newhouse, Vognild and Talmadge (by request of Administrator for the Courts)

Requiring testing and certification of English language interpreters in court.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5474 was substituted for Senate Bill No. 5474 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5474 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5474.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Gaspard - 1.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SUBSTITUTE SENATE BILL NO. 5474, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5826, by Senators Bauer, Bailey, West, Rinehart, Saling, Barr, Patterson, Gaspard, Murray, Anderson, Fleming and Bender

Extending the student teaching pilot projects until December 1990.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Ways and Means amendment was adopted:

On page 2, beginning on line 34, strike all material down through line 4 of page 3 and insert the following:

"NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 3 of the title, strike "creating a new section; making an appropriation;" and insert "creating new sections;"

#### MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 5826 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5826.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5826 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Matson, Owen, Sutherland - 4.

ENGROSSED SENATE BILL NO. 5826, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5383, by Senators Lee, Smitherman, Anderson, McMullen and Bailey

Establishing a program for employment and training planning.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the substitute bill was placed on second reading and read the second time.

Senator Murray moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 6, before "The" insert "(1)"

On page 1, line 12, after "." insert "A highly educated, multi-skilled flexible work force is essential to Washington's economic growth, stability, and competitiveness between now and into the approaching new century."

On page 1, line 13, before "It" insert "(2)"

On page 1, line 19, after "," insert "The diversity of the communities of Washington and the talents of the state's citizens are key strengths."

On page 1, following line 22, insert:

(3) The legislature finds that the preferred standard of living and quality of life for Washington residents in the twenty-first century will be influenced by decisions made within the next few years. The challenge before the state is to rethink, reevaluate, and redesign the manner in which educational, social, and economic programs are structured, funded, and delivered in order that the state will engage the twenty-first century successfully.

(4) One legislative purpose of this act is to help Washington communities build upon their unique strengths, circumstances, and traditions by permitting the cost-effective pooling of resources and encouraging innovative coordination among a variety of disparate state, federal, and local programs.

This purpose shall be met by planning for the establishment of a program under which is provided to communities the authority and flexibility to tie together various resources and service delivery programs to facilitate local workplace literacy and economic development initiatives via local partnerships."

On page 1, line 23, before "The" insert "(5)"

On page 1, line 27, before "The" insert "(6)"

On page 2, following line 12, insert new subsections to read as follows:

"(1) "Client" means any person who receives services under a project established pursuant to sections 24 through 28 of this act.

(2) "Commissioner" means the commissioner of the employment security department.

(3) "Community" means a city or town as defined under chapter 35.01 RCW, a township as defined under Title 45 RCW, or a county as defined under Title 36 RCW."

Renumber the remaining subsections accordingly

On page 3, following line 6, insert new subsections to read as follows:

"(6) "Local education agency" means any public or private educational institution.

(7) "Workplace literacy" means those life skills which are fundamental to carrying out assigned work place duties and responsibilities, particularly competencies for personal adaptability and lifelong learning, including but not limited to:

(a) The ability to critically think and reason, read, write, speak and converse, listen, and observe;

(b) The ability to compute and use computers and calculators; and

(c) An awareness of the importance of responsibility and ethics, dependability, the value of work, and craftsmanship."

On page 18, following line 13, insert new sections to read as follows:

**NEW SECTION.** Sec. 24. A new section is added to chapter 50.12 RCW to read as follows:

(1) The department of employment security, in consultation with the Washington state job training coordinating council under section 3 of this act, shall develop and adopt rules under chapter 34.05 RCW to implement operation SPLICE (skills for the person to live independently in the community and economy).

(2) The rules shall be in correlation with the provisions of sections 8 and 11 of this act and shall be adopted not later than December 31, 1990.

(3) Operation SPLICE shall not be implemented before July 1, 1991: PROVIDED, That if sufficient funds are available pursuant to section 28 of this act prior to July 1, 1991, the department may implement operation SPLICE prior to July 1, 1991: PROVIDED FURTHER, That if an eligible applicant under section 26 of this act can document that no state funds are necessary to implement a local operation SPLICE project, above and beyond any state funds the applicant may receive pursuant to sections 30 through 55 of this act, the department may implement operation SPLICE prior to July 1, 1991.

**NEW SECTION.** Sec. 25. A new section is added to chapter 50.12 RCW to read as follows:

The rules under section 24 of this act shall include the following provisions:

(1) Participation in the operation SPLICE program shall be voluntary.

(2) Subject to department approval and continued funding, operation SPLICE projects initially funded for two years may be extended for a total period not to exceed six years. Funding for projects to continue beyond two years shall be subject to the requirements of subsection (8) of this section and section 29(2) of this act.

(3) The department shall allocate to selected projects state funds as may be appropriated in the 1991-93 state operating appropriations act for the purposes of sections 24 through 26 of this act and such gifts, grants, and contributions as may be received by the department under section 28 of this act for the purposes of sections 24 through 29 of this act. Allocations shall be made on a matching basis pursuant to subsection (4) of this section.

(4) Projects selected to receive a grant or contract shall provide a local match as follows:

(a) The local match for the first and second years of the project shall be a minimum of twenty-five percent of the cost of the project.

(b) The local match for the third and fourth years of the project shall be a minimum of fifty percent of the cost of the project.

(c) The local match for the fifth and sixth years of the project shall be a minimum of seventy-five percent of the cost of the project.

(5) The local match may consist of local funds, state funds, federal funds, or contributions of services, materials, supplies, or physical facilities, or a combination thereof.

(6) The selection of projects for grant awards or contracts shall be the responsibility of the department.

The initial projects under operation SPLICE shall begin not later than September 30, 1991: PROVIDED, That if sufficient funds are provided pursuant to section 28 of this act the department shall be authorized to implement operation SPLICE prior to July 1, 1991: PROVIDED FURTHER, That if an eligible applicant under section 26 of this act can document that no state funds are necessary to implement a local operation SPLICE project, above and beyond any funds the applicant may receive pursuant to sections 30 through 55 of this act, the department may implement operation SPLICE prior to July 1, 1991.

(8) Funding for a project beyond the initial two years shall be contingent upon the submission of an annual progress report and an evaluation by the department of the success of the project toward meeting the goals identified in the grant application.

**NEW SECTION.** Sec. 26. A new section is added to chapter 50.12 RCW to read as follows:

The rules under section 24 of this act shall include the following provisions:

(1) Communities, local education agencies, public nonprofit corporations, and other public or private entities as may be determined by the department, shall be eligible to apply to the department for a grant or contract under operation SPLICE.

(2) Applications may be submitted for the purpose of implementing a project under operation SPLICE or for enhancing an existing local program which meets the intent of section 1(4) of this act.

(3) An application shall include the following:

(a) Documentation that a local education agency and the applicable private industry council have participated in the development of the proposed project and specific roles and responsibilities have been identified for each once the project is implemented;

(b) Documentation that two or more of the following entities have participated in the development of the proposed project and specific roles and responsibilities have been identified for each once the project is implemented: An educational service district; a public or private nonprofit corporation; a chamber of commerce; an associate development organization or economic development council on contract with the department of trade and economic development; the local government of a community; a community-based provider of social

services or health care, or both; an employer; local media; a state correctional institution; a residential school as defined under RCW 28A.58.770; or a main or branch office of a state agency.

(c) A community needs assessment that includes a review of: The community's economic status; the needs of the local education agency; and the social service and health care, and workplace literacy needs of the residents of the community;

(d) A statement regarding the education, social, and economic goals of the proposed project, including how workplace literacy will be addressed as part of the proposed project, and including target dates by which the goals are to be met during the project;

(e) As necessary, a budget plan for the project and, if applicable, additional anticipated sources of funding, including private grants and contributions, if any, and client personal resources, if any;

(f) Identification of the technical resources or assistance desired in order to implement the project, including the potential costs of the assistance or resources;

(g) Documentation that in developing the project issues relating to child care, transportation, vocational counseling and other support services were discussed and, as appropriate, how such issues will be addressed to facilitate full participation in the project by clients;

(h) A description of the services to be provided to clients under the local project;

(i) A description of the methods and procedures to be used to evaluate the success of the project in meeting the identified goals, including, as appropriate to the goals of the project, how clients will be evaluated for acquisition of the life skills and workplace literacy competencies defined under section 2(7) of this act; and

(j) Such other information as may be required by the department.

(4) Every applicant shall provide evidence that the workplace literacy needs of the preemployed, the employed, and the unemployed have been considered in the development of the application.

**NEW SECTION.** Sec. 27. A new section is added to chapter 50.12 RCW to read as follows:

The rules under section 24 of this act shall ensure that successful project applicants will be provided necessary resource and special support assistance in undertaking their activities under operation SPLICE. The department shall develop in cooperation with appropriate agencies or organizations, including small business owners or representatives, or both, a technical assistance program specifically for operation SPLICE.

**NEW SECTION.** Sec. 28. A new section is added to chapter 50.12 RCW to read as follows:

(1) The department of employment security may accept, receive, and administer for the purposes of sections 24 through 29 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 24 through 29 of this act.

(2) The operation SPLICE account is hereby established in the custody of the state treasurer. The commissioner shall deposit in the account all moneys received under subsection (1) of this section. Moneys in the account may be spent only for the purposes of sections 24 through 29 of this act. Disbursements from this account shall be on the authorization of the commissioner or the commissioner's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

**NEW SECTION.** Sec. 29. A new section is added to chapter 50.12 RCW to read as follows:

(1) The department of employment security shall submit biennially to the legislature a report on the projects implemented under operation SPLICE. The report shall include such findings and recommendations as determined by the department. The first report shall be submitted not later than December 1 of the second year following implementation of operation SPLICE.

(2) Each project selected for a grant award or contract under operation SPLICE shall submit an annual report to the department on the progress of the project. The annual report shall be a condition of receipt of continued funding.

Sec. 30. Section 14, chapter 278, Laws of 1984 and RCW 28A.16.050 are each amended to read as follows:

(1) Supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.41.162, shall be categorical funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment.

(2) Districts shall be authorized to use some or all of the state allocation under subsection (1) of this section toward the local match requirement under section 25 of this act: PROVIDED, That the district's highly capable students program must be included as an element of the proposed operation SPLICE project.

Sec. 31. Section 4, chapter 418, Laws of 1985 as amended by section 4, chapter 174, Laws of 1988 and RCW 28A.34A.040 are each amended to read as follows:

(1) Approved preschool programs shall receive state-funded support through the department. School districts, and existing head start grantees in cooperation with school districts, are eligible to participate as providers of the state preschool program. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a



portion of the state program. Funds appropriated for the state program shall be used to establish new or expanded preschool programs, and shall not be used to supplant federally supported head start programs. Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained, but shall not be used to supplant federally supported head start programs or state supported preschool programs. Persons applying to conduct the preschool program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(2) Notwithstanding the provisions of subsection (1) of this section, an applicant which is selected to implement an approved preschool program as defined under RCW 28A.34A.020(5), and which is included as part of a proposed project under operation SPLICE established under section 24 of this act, may apply some or all of the funds received to establish the approved preschool program toward the local match required under section 25 of this act: PROVIDED, That the approved preschool program must be included as an element of the proposed operation SPLICE project.

Sec. 32. Section 1, chapter 138, Laws of 1973 as last amended by section 2, chapter 344, Laws of 1985 and RCW 28A.58.247 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That school districts are encouraged to provide programs for prospective parents, prospective foster parents, and prospective adoptive parents on parenting skills and on the problems of child abuse and methods to avoid child abuse situations: PROVIDED FURTHER, That community education programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community college education and shall be programs receiving the approval of said superintendent.

(2) Nothing in this section shall preclude a community education program from being included as part of a project implemented under operation SPLICE established under section 24 of this act.

Sec. 33. Section 11, chapter 66, Laws of 1971 ex. sess. as amended by section 5, chapter 87, Laws of 1980 and RCW 28A.41.053 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for handicapped programs. Programs operated by local school districts shall be funded on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.41.130, 28A.41.140, and other state and local funds, excluding special excess levies.

(2) Districts shall be authorized to use some or all of the state funds received pursuant to subsection (1) of this section toward the local match requirement under section 25 of this act: PROVIDED, That the district's program for handicapped students must be included as an element of the proposed operation SPLICE project.

NEW SECTION. Sec. 34. A new section is added to chapter 28A.58 RCW to read as follows:

School districts may use a state funded local education program enhancement grant as provided under section 506, chapter 7, Laws of 1987 1st ex. sess., or as hereafter provided by the legislature, to meet all or part of the local match required under section 25 of this act: PROVIDED, That the purposes for which the local education program enhancement grant will be used must be included as part of the proposed operation SPLICE project.

Sec. 35. Section 9, chapter 401, Laws of 1987 and RCW 28A.100.019 are each amended to read as follows:

(1) No provision of ~~((this act))~~ RCW 28A.100.010 through 28A.100.026 may prohibit a school district from incorporating the educational outcomes and related measures as part of a schools for the twenty-first century pilot project.

(2) No provision of RCW 28A.100.010 through 28A.100.026 may prohibit a school district from incorporating the educational outcomes and related measures as part of a project implemented under operation SPLICE established under section 24 of this act: PROVIDED, That a district which is selected under RCW 28A.100.017 to field test the educational outcomes and related measures developed pursuant to RCW 28A.100.013, and which receives state funds to

implement the field test, may apply some or all of the funds toward the local match requirement under section 25 of this act: PROVIDED FURTHER, That the district's field test of the educational outcomes and related measures must be included as an element of the proposed operation SPLICE project.

NEW SECTION, Sec. 36. A new section is added to chapter 28A.100 RCW to read as follows:

(1) No provision of RCW 28A.100.030 through 28A.100.068 may prohibit a school district from incorporating its schools for the twenty-first century project as part of a project implemented under operation SPLICE established under section 24 of this act.

(2) A district which is selected under RCW 28A.100.040 to implement a schools for the twenty-first century project, and which receives state funds to implement the project, may apply some or all of the funds toward the local match requirement under section 25 of this act: PROVIDED, That the district's schools for the twenty-first century project must be included as an element of the proposed operation SPLICE project.

Sec. 37. Section 7, chapter 478, Laws of 1987 and RCW 28A.120.022 are each amended to read as follows:

(1) Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance. The distribution formula in this section is for allocation purposes only.

(2) Districts shall be authorized to use some or all of the state allocation under subsection (1) of this section toward the local match requirement under section 25 of this act: PROVIDED, That the district's learning assistance program must be included as an element of the proposed operation SPLICE project.

NEW SECTION, Sec. 38. A new section is added to chapter 28A.120 RCW to read as follows:

(1) No provision of RCW 28A.120.030 through 28A.120.050 may prohibit a school district from incorporating its substance abuse awareness program as part of a project implemented under operation SPLICE established under section 24 of this act.

(2) A district which is selected under RCW 28A.120.032 to implement a substance abuse awareness program, and which receives state funds to implement the program, may apply some or all of the funds toward the local match requirement under section 25 of this act: PROVIDED, That the district's substance abuse awareness program must be included as an element of the proposed operation SPLICE project.

NEW SECTION, Sec. 39. A new section is added to chapter 28A.120 RCW to read as follows:

(1) No provision of RCW 28A.120.060 through 28A.120.072 may prohibit a school district from incorporating its student motivation, retention, and retrieval program as part of a project implemented under operation SPLICE established under section 24 of this act.

(2) A district which is selected under RCW 28A.120.064 to implement a student motivation, retention, and retrieval program, and which receives state funds to implement the program, may apply some or all of the funds toward the local match requirement under section 25 of this act: PROVIDED, That the district's student motivation, retention, and retrieval program must be included as an element of the proposed operation SPLICE project.

NEW SECTION, Sec. 40. A new section is added to chapter 28A.125 RCW to read as follows:

(1) No provision of this chapter may prohibit a school district from incorporating an international education program pursuant to this chapter as part of a project implemented under operation SPLICE established under section 24 of this act.

(2) A district which is selected under RCW 28A.125.030 to implement an international education program, and which receives state funds to implement the program, may apply some or all of the funds toward the local match requirement under section 25 of this act: PROVIDED, That the district's international education program must be included as an element of the proposed operation SPLICE project.

Sec. 41. Section 106, chapter 518, Laws of 1987 and RCW 28A.130.014 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the department of community development, the department of social and health services, the state board for community college education, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW 28A.130.012. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of RCW 28A.130.012 through 28A.130.020.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under chapter 28A.34A RCW, or parent literacy programs under RCW 28A.130.012 through 28A.130.020, or a project implemented under operation SPLICE established under section 24 of this act, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) State funds as may be appropriated for project even start may be used by recipients to contribute toward the local match requirement under section 25 of this act: PROVIDED, That the recipient must be receiving adult literacy services as part of the proposed operation SPLICE project.

(6) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of RCW 28A.130.012 through 28A.130.020.

**NEW SECTION, Sec. 42.** A new section is added to chapter 28B.04 RCW to read as follows:

State funds as may be appropriated to providers of services for displaced homemaker programs pursuant to the provisions of this chapter may be used by the providers to meet all or part of the local match requirement under section 25 of this act: PROVIDED, That the provider must be included as part of the proposed operation SPLICE project: PROVIDED FURTHER, That the displaced homemaker program services offered by the provider must be part of the proposed operation SPLICE project.

Sec. 43. Section 28B.50.250, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.250 are each amended to read as follows:

(1) The state board for community college education and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28B.50.530 a program in adult education in behalf of a community college district when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the community college districts: PROVIDED, That federal programs for adult education which are funded directly to the state board of education shall be administered by the superintendent of public instruction in cooperation with the director of the state board for community college education.

(2) Nothing in this section shall prohibit an adult education program implemented pursuant to the provisions of this section from being conducted as part of a project established under operation SPLICE established under section 24 of this act.

Sec. 44. Section 4, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.030 are each amended to read as follows:

A Washington state high-technology education and training program is hereby established. The program shall be designed to:

(1) Develop the competence needed to make Washington state a leader in high-technology fields, to increase the productivity of state industries, and to improve the state's competitiveness in regional, national, and international trade;

(2) Develop degree programs to enable students to be productive in new and emerging high-technology fields by using the resources of the state's two-year community colleges, regional universities, the University of Washington, Washington State University, and The Evergreen State College; and

(3) Provide industries in the state with a highly-skilled work force capable of producing, operating, and servicing the advancing technology needed to modernize the state's industries and to revitalize the state's economy.

No provision of the Washington state high-technology education and training program shall prohibit a grant applicant from including the Washington state high-technology education and training program as part of a proposed project under operation SPLICE established under section 24 of this act if such inclusion will meet the provision of RCW 28B.65.010(3).

**NEW SECTION, Sec. 45.** A new section is added to chapter 28C.04 RCW to read as follows:

Notwithstanding the provisions of RCW 28C.04.400 through 28C.04.480, an educational institution as defined under RCW 28C.04.410(3), which is included as part of a proposed project under operation SPLICE established under section 24 of this act, may apply some or all of a job skills grant as defined under RCW 28C.04.410(6) toward the local match required under section 25 of this act: PROVIDED, That the job skills grant program must be included as an element of the proposed operation SPLICE project.

Sec. 46. Section 2, chapter 14, Laws of 1965 as amended by section 2, chapter 177, Laws of 1971 ex. sess. and RCW 43.06.110 are each amended to read as follows:

(1) The governor, or his designee, is hereby authorized and empowered to undertake such programs as will, in the judgment of the governor, or his designee, enable families and individuals of all ages, in rural and urban areas, in need of the skills, knowledge, motivations, and opportunities to become economically self-sufficient to obtain and secure such skills, knowledge, motivations, and opportunities. Such programs may be engaged in as solely state operations, or in conjunction or cooperation with any appropriate agency of the federal government, any branch or agency of the government of this state, any city or town, county, municipal corporation, metropolitan municipal corporation or other political subdivision of the state, or any private corporation. Where compliance with the provisions of federal law or rules or regulations promulgated thereunder is a necessary condition to the receipt of federal funds by the state, the governor or his designee, is hereby authorized to comply with such laws, rules or regulations to the extent necessary for the state to cooperate most fully with the federal government in furtherance of the programs herein authorized.

(2) Operation SPLICE established under section 24 of this act may be considered to be an economic opportunity act pursuant to subsection (1) of this section.

Sec. 47. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

(1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) Funds received by a local government under subsection (1) of this section may be used by the local government to meet all or part of the local match requirement under section 25 of this act: PROVIDED, That the local government must be included as part of a proposed project under operation SPLICE established under section 24 of this act: PROVIDED FURTHER, That the local economic development project must be included as an element of the proposed operation SPLICE project.

Sec. 48. Section 3, chapter 278, Laws of 1988 and RCW 43.121.130 are each amended to read as follows:

(1) Funding shall be provided, as funds are available, in decreasing amounts over a two-year period, with the goal of having the programs become supported by local communities at the end of a two-year period. State funding may be continued in areas where local funding would be difficult to obtain due to local economic conditions to the extent funding is made available to the council.

(2) The council shall work with the projects in the program to evaluate the results of the projects. The council shall make recommendations on these projects and the program. A project agreeing to develop an evaluation component shall be considered for a three-year funding schedule. A report on the evaluations shall be made available to the legislature at the beginning of the legislative session in 1992.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, an applicant which is selected to implement a project pursuant to the provisions of RCW 43.121.110 through 43.121.130, and which is included as part of a proposed project under operation SPLICE established under section 24 of this act, may apply some or all of the funds received to establish the community-based early parenting skills program toward the local match required under section 25 of this act: PROVIDED, That the early parenting skills program must be included as an element of the proposed operation SPLICE project.

NEW SECTION, Sec. 49. A new section is added to chapter 43.160 RCW to read as follows:

A community as defined under section 2 of this act which receives a direct loan pursuant to the provisions of RCW 43.160.060 may apply all or part of the loan amount toward the local match required under section 25 of this act: PROVIDED, That the local government of the community is included as part of a proposed project under operation SPLICE established under section 24 of this act: PROVIDED FURTHER, That the project for which the loan is made must be included as an element of the proposed operation SPLICE project.

NEW SECTION. Sec. 50. A new section is added to chapter 43.168 RCW to read as follows:

A local development organization as defined under RCW 43.168.020 which receives a loan pursuant to the provisions of this chapter may apply all or part of the loan amount toward the local match required under section 25 of this act: PROVIDED, That the local development organization is included as part of a proposed project under operation SPLICE established under section 24 of this act: PROVIDED FURTHER, That the project for which the loan is made must be included as an element of the proposed operation SPLICE project.

NEW SECTION. Sec. 51. A new section is added to chapter 49.04 RCW to read as follows:

Notwithstanding the provisions of RCW 49.04.010 through 49.04.910, apprenticeship programs established pursuant to chapter 49.04 RCW may be included as an element of a proposed operation SPLICE project established under section 24 of this act.

NEW SECTION. Sec. 52. A new section is added to chapter 74.21 RCW to read as follows:

Notwithstanding the provisions of RCW 74.21.010 through 74.21.906, participation by clients and agencies in the family independence program may be included as an element of a project established under operation SPLICE established under section 24 of this act.

NEW SECTION. Sec. 53. A new section is added to chapter 74.22 RCW to read as follows:

Notwithstanding the provisions of RCW 74.22.010 through 74.22.120, participation by clients and agencies in the work incentive program for recipients of public assistance may be included as an element of a project established under operation SPLICE established under section 24 of this act.

NEW SECTION. Sec. 54. A new section is added to chapter 74.23 RCW to read as follows:

Notwithstanding the provisions of RCW 74.23.005 through 74.23.900, participation by clients and agencies in the work incentive program for recipients of aid to families with dependent children may be included as an element of a project established under operation SPLICE established under section 24 of this act.

NEW SECTION. Sec. 55. A new section is added to chapter 74.29 RCW to read as follows:

Notwithstanding the provisions of RCW 74.29.005 through 74.29.110, participation by handicapped persons, as defined under 74.29.010(1), in vocational rehabilitation programs may be included as an element of a project established under operation SPLICE established under section 24 of this act.

NEW SECTION. Sec. 56. The respective agencies under sections 30 through 55 of this act shall adopt rules as necessary under chapter 34.05 RCW to implement the respective provisions of sections 30 through 55 of this act.

NEW SECTION. Sec. 57. Sections 30 through 55 of this act shall take effect not later than July 1, 1991."

Renumber the remaining sections accordingly.

On page 18, following line 18, insert a new section to read as follows:

"NEW SECTION. Sec. 58. Operation SPLICE established under section \_\_\_ of this act may be considered a demonstration program for the purpose of section \_\_\_ of this act."

Renumber the remaining sections accordingly.

#### POINT OF ORDER

Senator Lee: "A point of order, Mr. President. I raise the point of order that the amendment expands the scope and object of the bill and I'd like to speak to that briefly. These particular amendments are encompassed in another measure and it is a measure that I did support and sign out of the committee, but it expands the scope and object of this bill considerably.

"A couple of the clues to that expansion, in fact, is the title amendment that is required, which is adding at least four other RCWs that are not being amended at all by the original bill--the fact that we even have to go into the intent section to amend that so that the bill would fit on it. The original bill, the one that we have before us, the substitute bill, creates the State Job Training Coordinating Council consistent with federal law. It is an independent body which is to produce a state-wide plan for the use of federal job training partnership act monies, using the private industry councils which already exist, and places those in state statute. Their job is to analyze what needs to be done. The amendments proposed here would put the cart before the horse and actually create a new program in the Department of Employment Security called Operation SPLICE and whereas the bill itself is a study in which to determine whether or not programs such as SPLICE should be carried out and how they should be carried out."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5383 was deferred.

## SECOND READING

SENATE BILL NO. 5590, by Senators Conner, Johnson, Newhouse, Rasmussen, Hansen and von Reichbauer

Making changes to the firefighters relief and pension fund.

The bill was read the second time.

## MOTIONS

On motion of Senator Madsen, the following amendment by Senators Madsen and Johnson was adopted:

On page 19, line 15, after "fund" insert ", including records of the names and addresses of every person enrolled under this chapter."

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5590 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5590.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Matson, Owen, Sutherland - 4.

ENGROSSED SENATE BILL NO. 5590, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5011, by Senators Newhouse, Matson, Sutherland, Bauer, Talmadge, Benitz, West and Rasmussen

Providing for allocation of assets of an institutionalized spouse.

## MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5011 was substituted for Senate Bill No. 5011 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Newhouse, you know that we had discovered a potential problem in the repealer section of the bill relating to a fair hearing and due process rights for people in the Limited Casualty Program. Is it your understanding that the repealer that's in this bill does not affect the fair hearing or due process rights that are afforded people in the Limited Casualty Program, because there's another statute that addresses that elsewhere?"

Senator Newhouse: "Yes, Senator Talmadge, I've had the staff researching that matter all morning and we feel, after conferring with the department who helped draft the bill, that the rights of the individual are not affected by this act."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5011.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Matson, Owen, Sutherland - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5566, by Senators Metcalf, Owen and Talmadge (by request of Department of Social and Health Services)

Creating the safe drinking water act.

## MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5566 was substituted for Senate Bill No. 5566 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Owen, Smitherman, Bailey and Madsen was adopted:

On page 9, line 27, after "servng" strike "only one single-family residence" and insert "fewer than five single-family residences"

## MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5566 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5566 was returned to second reading and read the second time.

## MOTION

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Owen, Smitherman, Bailey and Madsen was adopted:

On page 11, line 6, after "servng" strike "only one single-family residence" and insert "fewer than five single-family residences"

## MOTION

On motion of Senator Metcalf, the rules were suspended, Reengrossed Substitute Senate Bill No. 5566 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5566.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senator West - 1.

Excused: Senators DeJarnatt, Matson, Owen, Sutherland - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5111, by Senators Pullen, Niemi, Thorsness, McCaslin and Johnson

Modifying work release provisions.

#### MOTIONS

On motion of Senator Pullen, Second Substitute Senate Bill No. 5111 was substituted for Senate Bill No. 5111 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Second Substitute Senate Bill No. 5111 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5111.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5111 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Owen - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5111, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5519, by Senators Rinehart, Bailey, Murray and Saling

Regarding collaborative projects between higher education institutions, schools, and school districts.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Ways and Means amendment was adopted:

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

**\*NEW SECTION.** Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.\*

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 5519 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5519.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5519 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.



Voting nay: Senator Stratton - 1.

Excused: Senators DeJarnatt, Matson, Owen - 3.

ENGGROSSED SENATE BILL NO. 5519, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5843, by Senators McCaslin, Johnson, Gaspard, Smitherman, Warnke and Wojahn

Modifying the regulations for metropolitan park districts.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5843 was substituted for Senate Bill No. 5843 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5843 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5843.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5843 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Pullen - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5843, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5681, by Senators Lee, Smitherman and West (by request of Department of Labor and Industries)

Reenacting and amending provisions for asbestos projects.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5681 was substituted for Senate Bill No. 5681 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5681 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5681.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5681 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5681, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5472, by Senators Nelson, Bender, Barr and Conner

Establishing vessel dealer exemptions to chapter 88.02 RCW.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5472 was substituted for Senate Bill No. 5472 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the following amendment was adopted:

On page 1, line 13, after "(2)" insert the following:

"The department may exempt from compliance with the vessel dealer requirements of this chapter any person who is engaged in the business of selling in this state at retail vessels with an overall length of ten feet or less that are capable of being powered by a motor of five or less horsepower.

(3)"

On motion of Senator Lee, the following amendment was adopted:

On page 1, after line 16, insert the following:

"Sec. 2. Section 19, chapter 7, Laws of 1983 as amended by section 1, chapter 149, Laws of 1987 and RCW 88.02.060 are each amended to read as follows:

(1) Each vessel dealer in this state shall register with the department in the manner and upon forms prescribed by the department, in accordance with rules adopted under chapter ~~((34.04))~~ 34.05 RCW. After the completed vessel dealer application has been satisfactorily filed and the applicant is eligible as determined by the department's rules, the department shall, if no denial proceeding is in effect, issue the vessel dealer's registration on the basis of staggered annual expiration dates.

(2) Before issuing a vessel dealer's registration, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his or her business in conformity with the provisions of this chapter. Exemptions to vessel dealer registration surety bond requirements shall include use of cash deposits. In lieu of the surety bond, a vessel dealer may deposit cash in a public depository, as defined in RCW 39.58.010, equivalent in amount to the surety bond in the manner prescribed by the department by rule, on the condition that such equivalent cash account is maintained, and that notice and payment of any judgment obtained under this section against the dealer and such account will be rendered as required under this section. Any interest accruing to the account is payable to the registrant. The department may require a registrant who uses a cash deposit in lieu of a bond to certify in writing that he or she will conduct his or her business in conformity with the provisions of this chapter. An account established for security under this chapter may not be used as security for any other purposes.

The cash deposit shall be returned to the licensee one year after the license has expired or one year after a surety bond has been filed for the same license if no legal action has been initiated against the licensee or the cash deposit at the expiration of the year.

Any vessel consignor or purchaser who has suffered any loss or damage by reason of any act or omission by a dealer that constitutes a violation of this chapter may institute an action for recovery against the dealer, and the surety upon the bond, or the account established by the dealer in lieu of the bond.

If a cash deposit is made in lieu of a surety bond as required by this section, the holder of any judgment against the vessel dealer and the cash account shall notify the dealer and the department of the judgment by sending a certified copy of the judgment by registered or certified mail within ten business days after the judgment is entered. The department shall issue a notice to the depository institution holding the account to authorize the disbursement of funds equal to the judgment unless otherwise provided by this section. The depository institution shall make payment to the person specified in the notice within twenty days of receipt of the notice, and shall notify the department by registered or certified mail of such payment.

Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, or upon the dealer's failure to maintain, within twenty days of any withdrawal, the equivalent amount of cash in lieu of the surety bond as required under this section, the vessel dealer registration shall automatically be

deemed canceled. The depository institution shall notify the department within twenty days of any such account that is not maintained in accordance with this section.

(3) Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2) of this section.

(4) For the fiscal biennium from July 1, 1987, through June 30, 1989, the registration fee for dealers shall be fifty dollars per year for an original registration, and twenty-five dollars for any subsequent renewal. In addition, a fee of twenty-five dollars shall be collected for the first decal, fifteen dollars for each additional decal, and fifteen dollars for each vessel dealer display decal replacement. In ensuing biennia, the director shall establish the amount of such fees at a sufficient level to defray the costs of administering the vessel dealer registration program. All such fees shall be fixed by rule adopted by the director in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. All fees collected under this section shall be deposited with the state treasurer and credited to the general fund."

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:  
On page 1, line 1 of the title, after "exemptions;" insert "amending RCW 88.02.060;"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5472 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senator Craswell was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5472.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators Craswell, DeJarnatt - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5472, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### SECOND READING

SENATE BILL NO. 5830, by Senator Lee

Extending coverage of unemployment insurance to agricultural employees over eighteen years of age.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5830 was substituted for Senate Bill No. 5830 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5830 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5830.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5830 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Hansen, Hayner, Matson, Smitherman - 4.

Excused: Senators Craswell, DeJarnatt, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5830, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 5204 and the pending amendment by Senator Smitherman on page 19, after line 4, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Senate Bill No. 5204 is a measure which amends the Industrial Development Corporation Act. The bill; (1) eliminates the requirement that financial institutions be members and have voting control of BIDCO's; (2) reduces the number of people required to form a corporation; (3) establishes the amount of capital necessary to start a BIDCO; (4) allows BIDCO investors a credit against certain taxes or insurance premiums, caps those credits at 4 million dollars and establishes a five year decreasing formula for claiming these credits.

"The amendment proposed by Senator Smitherman would increase the Business and Occupation Tax monthly exemption from \$1000 to \$8000 and would expand the number of businesses eligible for the increased exemption.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Smitherman on page 19, after line 4, to Senate Bill No. 5204 was ruled out of order.

## MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 7 of the title, after "48.14 RCW;" strike the remainder of the title and insert "creating new sections; repealing RCW 31.24.050, 31.24.060, and 31.24.100; and prescribing penalties."

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Niemi: "Senator Anderson, I'm looking at Section 19 which is a tax credit section and it says that the Department of Revenue shall not allow any credit which would cause the tabulation to exceed four million dollars. Does that mean that the Department of Revenue can't allow tax credits up to four million dollars per year?"

Senator Anderson: "That's an aggregate of credits up to four million dollars."

Senator Niemi: "Per year? That's per the life of the BIDCO?"

Senator Anderson: "No, it's per year and that's the phase down over five years."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5204.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalfe, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Niemi - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5204, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:52 a.m., on motion of Senator Newhouse, the Senate recessed until 1:45 p.m.

The Senate was called to order at 1:48 p.m. by President Pritchard.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9106, William R. Wiley, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF WILLIAM R. WILEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalfe, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bauer, McMullen, Moore, Owen, Sutherland - 5.

Excused: Senator DeJarnatt - 1.

## MOTIONS

On motion of Senator Warnke, Senator Fleming was excused.

On motion of Senator Bender, Senator Moore was excused.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5383 and the pending amendments by Senator Murray, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Lee, the President finds that Substitute Senate Bill No. 5383 creates the State Job Training Coordinating Council consistent with the provisions of the Federal Job Training Partnership Act. The council is charged with developing a process for evaluation, coordination, and oversight of employment and training programs in accordance with federal law. The council's recommendations on future training plans must be consistent with numerous provisions of the Federal Job Training Partnership Act.

"The amendments proposed by Senator Murray would establish a state program known as Operation SPLICE which would provide for grants, with a local match, for projects in education, workplace literacy, computers and ethics, among other subjects.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senator Murray to Substitute Senate Bill No. 5383 were ruled out of order.

## MOTION

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bender, Senator Owen was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5383.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Moore, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5318, by Senators Murray, Bailey, Rinehart and Gaspard

Requiring an annual meeting for education officials.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendment by Senators Nelson and Murray was adopted:

On page 1, line 28 after "reference" strike "sections" and insert "notes"

On motion of Senator Matson, the following amendment by Senators Matson and Murray was adopted:

On page 2, after line 1 insert the following:

**NEW SECTION.** Sec. 3. The legislature finds that, under the present policy on transfer of credit among state institutions of higher education, students are often required to retake courses which had been successfully completed at another state institution of higher education. The legislature intends to eliminate this costly and wasteful duplication of effort by student, state institutions of higher education, and the state.

The group of officials listed in section 1 of this act shall study the issue of transferability and portability of grades and credits between state institutions of higher education. This group shall submit recommendations to the legislature by January 1, 1990, upon the establishment of a policy designed to resolve persisting problems with the transferability and portability of grades and credits between state institutions of higher education.

**NEW SECTION.** Sec. 4. This act shall expire on June 30, 1993, unless reenacted by the legislature."

## MOTIONS

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 3 of the title, strike "and creating a new section" and insert "creating new sections; and providing an expiration date"

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5318.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Patterson, Sellar - 2.

Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5065, by Senators Craswell, Smith, Stratton and Bailey

Creating a citizen review board system for cases involving substitute care of children.

## MOTIONS

On motion of Senator Craswell, Second Substitute Senate Bill No. 5065 was substituted for Senate Bill No. 5065 and the second substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 8, after "services." strike everything down through and including "act." on page 13, line 5

On page 15, line 27, after "(4)" strike everything down through and including review, on line 28

On page 15, line 35, after "limits." strike everything down through and including "case." on page 16, line 11

On page 17, after line 28, strike all of Section 19

On page 18, after line 14, strike all of Sections 21, 22 and 23

Renumber the remaining sections and correct internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 1, line 8; page 15, lines 27 and 35; page 17, after line 28; and page 18, after line 14; to Second Substitute Senate Bill No. 5065.

The motion by Senator Talmadge failed and the amendments were not adopted.

## MOTION

On motion of Senator Craswell, the rules were suspended, Second Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5065.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Fleming, Kreidler, Madsen, McMullen, Murray, Niemi, Rinehart, Talmadge - 8.

Excused: Senators DeJarnatt, Moore - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5385, by Senators Vognild, West, Wojahn and Barr  
Providing for collection and analysis of hospital data.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5385 was substituted for Senate Bill No. 5385 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5385.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Benitz, Kreidler, Niemi - 4.

Excused: Senators DeJarnatt, Moore - 2.

SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. The resolution that passed asking the Senate to investigate why the personnel book was not out and the able Secretary of the Senate, Secretary Golob, took the message right down to the Governor, and the Governor took the message right over to the Office of Financial Management, and we have the personnel book ready to be delivered to all the members within the time limit. Sometimes, a little push helps. Thanks to Secretary Golob."

#### SECOND READING

SENATE BILL NO. 5178, by Senators Patterson, Conner, Barr, Metcalf, Sellar, Benitz, Anderson, West and Kreidler

Defining rural hospitals.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the following amendment by Senators Vognild and West was adopted:

On page 3, line 2, after "commission," insert "Nothing in this section is to be construed as exempting rural hospitals from the reporting requirements of chapter 70.39 RCW."

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5178.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Second Substitute Senate Bill No. 5065 passed the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5759, by Senators Bailey, Rinehart, Lee, Warnke, Talmadge, Moore, Bauer and Stratton

Establishing a school breakfast program.

#### MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5759 was substituted for Senate Bill No. 5759 and the substitute bill was placed on second reading and read the second time.

Senator Bailey moved that the following amendments by Senators Bailey and McDonald be considered simultaneously and be adopted:

On page 1, beginning on line 4, strike all material through "hunger." on line 11

Remember remaining sections consecutively and correct any internal references accordingly

On page 1, after line 21, insert the following:

NEW SECTION, Sec. 4. The superintendent of public instruction shall not require schools to provide the school breakfast program if there is no federal reimbursement for the school breakfast program.

NEW SECTION, Sec. 5. Nothing in sections 1 through 4 of this act shall be construed as creating a state obligation, pursuant to Article IX, section 1 of the state Constitution, for funding the school breakfast program."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Bailey and McDonald on page 1, lines 4 and 21, to Substitute Senate Bill No. 5759.

The motion by Senator Bailey carried and the amendments were adopted.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5759.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson,

Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Barr - 1.

Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5644, by Senators Bluechel, Bender, McDonald, Kreidler, Bailey, McMullen, Johnson, Niemi, Vognilid, Lee, Smitherman and West

Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendments were considered simultaneously and were adopted:

On page 1, beginning on line 7, after "concluding at" strike all material through "of" on line 8

On page 1, line 8, after "~~(western)~~" strike "east" and insert "west"

On page 1, beginning on line 18, after "from" strike all material through "of" on line 19

On page 1, line 19, after "~~(western)~~" strike "east" and insert "west"

Senator Hansen moved that the following amendment be adopted:

On page 2, after line 30, insert the following:

"NEW SECTION. Sec. 5. This act, as it applies to real property interests in Kittitas county, shall be submitted to the people of Kittitas county for their adoption and ratification, or rejection at the next succeeding general election to be held in this state, in accordance with Article II, section \_\_\_ of the state Constitution, as amended, and the laws adopted to facilitate the operations thereof."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen on page 2, after line 30, to Substitute Senate Bill No. 5644.

The motion by Senator Hansen failed and the amendment was not adopted.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5644.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Cantu, Conner, Hansen, Matson, McCaslin, Patterson, Rasmussen, Sellar, Thorsness - 13.

Excused: Senators DeJarnatt, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bauer served notice that he would moved to reconsider the vote by which Substitute Senate Bill No. 5644 passed the Senate.

## SECOND READING

SENATE BILL NO. 5987, by Senators Benitz and Williams

Allowing use of alternative fuels.

The bill was read the second time.

## MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5987 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5987.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Moore - 2.

SENATE BILL NO. 5987, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5992, by Senators Benitz, Williams and Barr

Requiring the department of agriculture to develop a guide on ethanol and methanol.

The bill was read the second time.

## MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5992 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5992.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5992 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Moore - 2.

SENATE BILL NO. 5992, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6002, by Senators Bauer, Bailey, Rinehart, Benitz, Gaspard, Murray, Craswell, Fleming and Bender

Creating a summer school program for the blind.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6002.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Moore - 2.

SENATE BILL NO. 6002, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Hayner was excused.

#### SECOND READING

SENATE BILL NO. 6005, by Senators Pullen and Talmadge

Protecting the victims of domestic violence.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6005 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6005.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6005 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Hayner, Moore - 3.

SENATE BILL NO. 6005, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6012, by Senator Lee

Permitting the leasing of surplus school property.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6012 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator Bailey, in reading this, the concern I have is the school district enters into a lease to lease a school building and, presumably, the building remains in existence and say the lease is for a twenty-five year period. Fifteen years into the agreement, it becomes very clear that the district needs that building back, because the school population has increased or whatever. They need it for school purposes. Why shouldn't the district be able to recapture that building for school use? When, if the property really was totally surplus, they could have surplussed it and sold the property entirely and never had to worry about the leasing?"

Senator Bailey: "Senator Talmadge, may I relay your question to Senator Lee?"

Senator Talmadge: "Certainly."

## REMARKS BY SENATOR LEE

Senator Lee: "I'll be glad to attempt to answer the question. The way the current statute is, is that the building itself has to be able to be used again for classroom purposes. In other words, you could take a building and turn it into an office building with a long-term lease and it would be clear that it would conform to the law. But, if you turned a building into an apartment building which then would require subsequent remodeling to be used for school purposes--in other words, what we're saying is that it can still be recaptured for use, but not immediately into classrooms. The school districts have been advised that they could not do that and so making this change will allow them to do so. They can still, at the time the lease expires--and truly that building is needed again--they can use it again, but it might require some remodeling."

Senator Talmadge: "Wouldn't they sell the property under the circumstances you talk about, where they remodel it so completely that it is not capable of being used as a school building any more?"

Senator Lee: "That's entirely possible, Senator Talmadge. Let's take a hypothetical example. Let's say that a school district is not certain whether or not there will ever be enough school population to use the particular building, but yet it's in a fairly desirable location as far as turning it into an apartment building, which they wouldn't be able to do unless we changed this law. Then, at the end of the expiration of that lease, they would have that opportunity to make the decision--to sell it. They would certainly know by then whether or not the population was going to increase once again, or to renew the lease, or to use it again for a school building, if indeed they were at the point where that need had been demonstrated."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, are we short of school building funds now?"

Senator Bailey: "Yes."

Senator Rasmussen: "How short?"

Senator Bailey: "We're three hundred and twenty-one million dollars short."

Senator Rasmussen: "That leads to my other question. Many of these schools were built, of course, with ninety percent of state money?"

Senator Bailey: "Some of them, yes."

Senator Rasmussen: "In the event that a school building that is built with ninety percent state money is sold or leased, does the state building fund recover any money?"

Senator Bailey: "No."

Senator Rasmussen: "If not, why not?"

Senator Bailey: "Sorry, I can't answer that. It's probably when you were down here and you made that determination. That was way before my time."

Senator Rasmussen: "Well, at one time of course, we weren't selling or leasing any school buildings. We were building more all the time. Now that there is a surplus, it would seem that some of that money--some of those locations where the schools are being vacated can go for very high priced condominium sites and things like that. I think that maybe you should take a look at that and maybe we

can recover some of that money and revert it back into the building fund, so that we will have enough to build new schools where there is a great need."

Senator Bailey: "Thank you. I'll take that under consideration."

Senator Rasmussen: "This is just a kind of a new area when we have schools for sale and for lease. You will look it up and get some information for us? You want to hold this bill up then, until we get this information?"

Senator Bailey: "No."

Senator Rasmussen: "I think it's a good idea."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6012.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Stratton, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 40.

Voting nay: Senators Fleming, Rasmussen, Smitherman, Sutherland, Talmadge, Wojahn - 6.  
Excused: Senators DeJarnatt, Hayner, Moore - 3.

SENATE BILL NO. 6012, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Engrossed House Bill No. 1702.

On motion of Senator Newhouse, Engrossed House Bill No. 1702 was referred to the Committee on Health Care and Corrections.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Nelson moved to reconsider the vote by which Engrossed Senate Bill No. 5558 passed the Senate March 7, 1989.

#### POINT OF ORDER

Senator Vognlid: "Mr. President, I rise to a point of order. Under Rule 37 of the Senate Rules, it says that a motion to reconsider shall be considered on the next working day and then it goes on to read, 'that the motion to reconsider is pending and before passing the order of motions, the right to move a reconsideration shall continue.' That is a positive statement. We cannot have two positives. Mr. President, two days after this motion was made, at 11:17 p.m., Senator Talmadge gave notice of intent to reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate. We then went on to continue on the Second Reading Calendar. Later that day, at 2:53 p.m., Senator Talmadge moved to suspend the rules and immediately reconsider the vote by which Substitute Senate Bill No. 5819 passed. Senator Hayner moved to defer the motion. At 3:09 p.m., we now resumed the motion to suspend the rules and reconsider the vote by which Substitute Senate Bill No. 5819 passed the Senate earlier that day. That motion was then carried. Senator Metcalf moved that the rules be suspended and we returned that bill to second reading and in the process, had intervening business.

"Mr. President, I submit to you, that at 3:09 p.m., the Senate went to the ninth order of business which was the only order of business under which we could have considered Senator Talmadge's motion to reconsider the vote by which Substitute Senate Bill No. 5819 passed. The Senate, having gone to the ninth order of business and then returning to regular Senate business, Engrossed Senate Bill No. 5558, at that point in time, should have been immediately transmitted to the House. That measure is not properly before this body at this time. Mr. President, I would request a ruling from the President regarding my statement."

Debate ensued.

At 4:08 p.m., President Pritchard declared the Senate to be at ease.

The Senate was called to order at 4:21 p.m. by President Pritchard.

#### RULING BY THE PRESIDENT

President Pritchard: "The Chair will now rule on the point of order that Senator Vognild raised. The Journal reflects that no motion was made to go to the ninth order of business. The time to raise that point of order has passed."

#### PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, I'm not sure I understand the ruling. You ruled that the only time I could raise that question was at the time it happened?"

#### REPLY BY THE PRESIDENT

President Pritchard: "You had to raise that point of order at that time. It did not go to the ninth order of business. That does not mean that we can't conduct business without going to the ninth order. If you want to raise an objection, you can and we'll go. Every time one of the Senators is excused, technically, we should go to the ninth order of business to do that, but we don't. We go ahead unless somebody wanted to raise that objection."

Senator Vognild: "Well, Mr. President, I will accept your ruling. I am a little confused. I thought that the time to raise the question would be if the bill was brought back to us, because my understanding would be that the bill would automatically be transmitted. Therefore, there would be no question for me to raise until such time as somebody attempted to bring that bill back before the body and that is what I waited for."

President Pritchard: "This is the first time we've been on the ninth order. Senator. No one raised that objection at that time."

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which Engrossed Senate Bill No. 5558 passed the Senate.

Debate ensued.

#### POINT OF CLARIFICATION

Senator Thorsness: "I would request from you, Mr. President, a clarification. I don't understand what the current status is and I'll use my newness in the Legislature. I've supported the bill before and I will again. Frankly, I'd like to see it five or seven days, but I've committed to support it and I will. Can you clarify for me what happens either way we go on this on the vote to reconsider and what happens thereafter, please?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Senator Nelson has moved to reconsider the vote by which this bill passed. You vote. If you wish to reconsider, then the bill is before the body to do what it wants with the bill. If you don't move to reconsider--it failed--then the bill is gone to the House."

Senator Thorsness: "So, if we do reconsider the bill it is still automatically before this body?"

President Pritchard: "Back for disposition of the majority, whatever it might be--of the members. It's on third reading, but it can be moved around."

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

The President declared the question before the Senate to be the roll call on the motion by Senator Nelson to reconsider the vote by which Engrossed Senate Bill No. 5558 passed the Senate.

#### ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saaling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senators DeJarnatt, Moore - 2.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute Senate Bill No. 5558, on reconsideration, was deferred.

#### MOTIONS

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed House Bill No. 1395.

On motion of Senator Newhouse, Engrossed House Bill No. 1395 was referred to the Committee on Financial Institutions and Insurance.

#### PERSONAL PRIVILEGE

Senator Vognild: "Thank you, Mr. President. I rise to a point of personal privilege. I recently made a remark on the floor and I believe I was somewhat in error and I want the record to show correctly what happened. The motion was made to reconsider. I raised a point of order. During the time that you were considering the point of order, one of my members was approached. The conversation was more clearly, 'Will you present these amendments?' The answer was, 'no.' The next statement was, 'Then your bill is dead.' I want the record to show it was that way and the statement was not directly tied to my point of order."

#### MOTION

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

President Pro Tempore Bluechel assumed the Chair.

#### MOTION

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

#### SENATE RESOLUTION 1989-8636

by Senator Sutherland

WHEREAS, The Columbia Aluminum Corporation has purchased the aluminum plant formerly owned by Commonwealth Aluminum located near Goldendale; and

WHEREAS, The Goldendale aluminum smelter was restarted in August, 1987; and

WHEREAS, Those formerly employed at the smelter have shown a community of spirit by taking over part ownership in a major industry in the area; and

WHEREAS, These individuals have found through their own effort a means of survival for themselves and for their community; and

WHEREAS, The smelter employees and Kenneth Peterson of Columbia Aluminum Corporation have worked successfully together to reach a working contractual agreement; and

WHEREAS, The employees of the plant own a major percentage of the new smelter operation under the terms of an employee stock ownership plan;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington salute the men and women responsible for the Goldendale smelter's new operation and commend them for their perseverance, initiative, and loyalty to their community, and for demonstrating what can be achieved when business and labor work together; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the officers of the United Steel Workers of America Local 8147, and to Kenneth Peterson of the Columbia Aluminum Corporation.



MOTION

At 5:47 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Monday, March 13, 1989.

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

## SIXTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 13, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Kreidler, McCaslin, McDonald, Owen and Stratton. On motion of Senator Warnke, Senators DeJarnatt and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Joshua Johnston and Lisa Hamilton, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 9, 1989

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1039,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1180,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1190,  
 ENGROSSED HOUSE BILL NO. 1249,  
 SUBSTITUTE HOUSE BILL NO. 1293,  
 SUBSTITUTE HOUSE BILL NO. 1397,  
 SUBSTITUTE HOUSE BILL NO. 1582,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584,  
 ENGROSSED HOUSE BILL NO. 1623,  
 SUBSTITUTE HOUSE BILL NO. 1669,  
 ENGROSSED HOUSE BILL NO. 1673,  
 HOUSE BILL NO. 1747,  
 HOUSE BILL NO. 1757,  
 HOUSE BILL NO. 1791,  
 HOUSE BILL NO. 1895,  
 HOUSE BILL NO. 1904,  
 HOUSE BILL NO. 1950,  
 HOUSE BILL NO. 1976,  
 HOUSE BILL NO. 1980,  
 HOUSE BILL NO. 2010,  
 SUBSTITUTE HOUSE BILL NO. 2012,  
 HOUSE BILL NO. 2045,  
 SUBSTITUTE HOUSE BILL NO. 2088,  
 ENGROSSED HOUSE BILL NO. 2135,  
 HOUSE JOINT MEMORIAL BILL NO. 4012, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1104,  
 SUBSTITUTE HOUSE BILL NO. 1278,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1378,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1476,  
 SUBSTITUTE HOUSE BILL NO. 1495,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853,  
 SUBSTITUTE HOUSE BILL NO. 1963,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,  
 ENGROSSED HOUSE BILL NO. 2059, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

March 10, 1989

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1160,

HOUSE BILL NO. 1223,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671,

HOUSE BILL NO. 1890, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1039 by Committee on Natural Resources and Parks (originally sponsored by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Spanel, Horn, Jones, Leonard, Heavey, P. King and Phillips)

Providing oil dump and holding tank pump station information to boaters.

Referred to Committee on Environment and Natural Resources.

ESHB 1086 by Committee on Environmental Affairs (originally sponsored by Representatives Ferguson, Rust, Wang, May, Haugen, Winsley, R. Meyers, Betzoff, Beck, Sayan, Nelson, Miller, Moyer, Dellwo, Heavey, Pruitt, D. Sommers, Walker, Brough, Schoon, Phillips, Spanel, Valle and Anderson)

Regulating underground storage tanks.

Referred to Committee on Environment and Natural Resources.

ESHB 1104 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Van Luven, Rust, Brekke and Phillips) (by request of Department of Ecology)

Revising provisions for motor vehicle inspection and maintenance.

Referred to Committee on Environment and Natural Resources.

ESHB 1123 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, D. Sommers, Valle, May, Pruitt, Nelson, Ferguson, R. Fisher, Wang, Kremen, Brekke, Sprenkle, Brough and Phillips)

Regulating chlorofluorocarbons, and other ozone-depleting chemicals.

Referred to Committee on Environment and Natural Resources.

ESHB 1133 by Committee on Trade and Economic Development (originally sponsored by Representatives Wineberry, Cantwell, Brough, Kremen, Schoon, Hine, Holland, Rasmussen, Miller, Ebersole, Doty, Locke, Winsley, H. Sommers, Anderson, Wang, Valle, Rust, R. King, Bristow, Sprenkle, Leonard, Vekich, Prentice, Beck, K. Wilson, Rector, Spanel, Cole, Basich, Jones, Braddock, Betzoff, Nelson, Walker, Tate, Heavey, G. Fisher, Crane, O'Brien, Walk, Scott, Patrick, Dellwo, Zellinsky, Jesernig, Belcher, R. Fisher, Sayan, Pruitt, Wood, Brekke, Insee, Fuhrman, Moyer,

Todd, H. Myers, Brumsickle, Van Luven, Phillips, May and P. King)

Regarding employer involvement in child care.

Referred to Committee on Economic Development and Labor.

SHB 1160 by Committee on Human Services/Appropriations (originally sponsored by Representatives Leonard, Miller, Cole, Holland, Belcher, Winsley, Prentice, Wang, Valle, Pruitt, Sprenkle, Basich, Rasmussen, Nelson, Rust, Jones, Wineberry, Dorn, Bristow, Cantwell, Ebersole, Brooks, Scott, Hine, Moyer, Brekke, Jacobsen, R. King, Kremen, Todd, G. Fisher, Doty, P. King, O'Brien, Locke, Phillips, Crane and Fraser)

Dealing with community-based family support centers.

Referred to Committee on Children and Family Services.

2SHB 1180 by Committee on Revenue (originally sponsored by Representatives Ferguson, Dellwo, Beck, Rust, Wang, Winsley, Van Luven, Nelson, Betrozoff, Chandler, Crane, Bowman, Moyer, Sayan, Spanel, Zellinsky, Dorn, R. King, Pruitt, G. Fisher, Valle, Hine, May, Jones, Walk, K. Wilson, O'Brien, Locke, Brekke, Phillips, Rasmussen, Inslee, Rector, Cooper, Miller, Brumsickle and Ebersole)

Insuring liability for leaks from underground oil storage tanks.

Referred to Committee on Environment and Natural Resources.

ESHB 1190 by Committee on Natural Resources and Parks (originally sponsored by Representatives Sayan, R. King, S. Wilson, Basich, Jacobsen, P. King, Valle, Haugen, Heavey and Ebersole) (by request of Joint Select Committee on Marine and Ocean Resources)

Enacting the ocean natural resources management act.

Referred to Committee on Environment and Natural Resources.

HB 1223 by Representatives R. Fisher, McLean, Fraser and Miller (by request of Secretary of State)

Removing the secretary of state from filing of interlocal cooperation agreements.

Referred to Committee on Governmental Operations.

EHB 1249 by Representatives Rust, D. Sommers, G. Fisher, May, Anderson, S. Wilson, Kremen, Pruitt, Valle, Winsley, Jones, K. Wilson, O'Brien, Locke, Brekke, Phillips, Spanel, Heavey and Miller

Addressing plastic debris in marine environments.

Referred to Committee on Environment and Natural Resources.

SHB 1278 by Committee on Transportation (originally sponsored by Representatives G. Fisher, Wood, Cantwell, Winsley, Rector, Walk, Phillips, Hine and Sprenkle) (by request of Governor Gardner)

Expanding membership of the transportation improvement board.

Referred to Committee on Transportation.

SHB 1293 by Committee on Trade and Economic Development (originally sponsored by Representatives G. Fisher, Cantwell, Doty, Schoon, Rasmussen, Raiter, Moyer, Rector, R. King, Todd, McLean and P. King) (by request of Director of Trade and Economic Development)

Revising provisions for the community economic revitalization board.

Referred to Committee on Economic Development and Labor.

ESHB 1294 by Committee on Trade and Economic Development (originally sponsored by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips, Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Inslee, Crane, Sprenkle and P. King)

Establishing the Washington employment futures program.

Referred to Committee on Economic Development and Labor.

2SHB 1378 by Committee on Revenue (originally sponsored by Representatives Braddock, Sprenkle, Vekich, Cantwell, Cole, Rust, Anderson, Basich, Sayan, Fraser and Phillips) (by request of Governor Gardner)

Changing provisions relating to health care costs and access to health care.

Referred to Committee on Ways and Means.

SHB 1397 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Baugher, Nealey, Sprenkle, Doty, Chandler, Beck, Heavey, Haugen, Sayan, Jones, Phillips, Crane, H. Myers, Inslee and Todd) (by request of Governor Gardner)

Regarding water use efficiency and conservation.

Referred to Committee on Agriculture.

2SHB 1476 by Committee on Appropriations (originally sponsored by Representatives Basich, Doty, Spanel, Cantwell, Vekich, Kremen, Hargrove, Schoon, Sayan, Baugher, Inslee, Jesernig, Rasmussen, Rayburn, Walk, Jones, Rector, Raiter, Locke, Moyer, Youngsman, Walker, Winsley, Bowman, Brough, D. Sommers, Silver, Tate, Ferguson, Wineberry, P. King, Pruitt, Ebersole, Sprenkle, Morris and Todd)

Establishing the Washington marketplace program.

Referred to Committee on Economic Development and Labor.

SHB 1495 by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Cantwell, Hargrove, Basich, Belcher, Kremen, Day, O'Brien, Locke, Jones, Ferguson, Wineberry, Rector, Wang, Cooper, P. King, Walk, Schoon, Sayan, Spanel, Dorn, Rasmussen, Brekke and Morris)

Establishing a business and job retention program.

Referred to Committee on Economic Development and Labor.

ESHB 1581 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

Referred to Committee on Economic Development and Labor.

SHB 1582 by Committee on Appropriations (originally sponsored by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson,

Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers Crane, Phillips and Brekke)

Establishing a before and after school child care pilot program.

Referred to Committee on Education.

ESHB 1584 by Committee on Human Services (originally sponsored by Representatives Bristow, Kremen, Belcher, Brough, Valle, Wineberry, Sprenkle, Peery, Leonard, Cole, Appelwick, Ebersole, Winsley, R. Fisher, Wang, Miller, Pruitt, Todd, Jones, Rust, Scott, Jacobsen, Rasmussen, Spanel, Dorn, Crane, Basich and Phillips)

Dealing with child care facilities.

Referred to Committee on Children and Family Services.

EHB 1623 by Representatives Belcher, Bowman, Ferguson, Brumsickle, Haugen, Hargrove, Locke and McLean

Benefiting winter recreation activities of the state parks and recreation commission.

Referred to Committee on Environment and Natural Resources.

SHB 1669 by Committee on State Government (originally sponsored by Representatives Anderson, R. Fisher, Winsley, Jacobsen, Haugen, Schoon, Bristow, Wineberry, Beck, Horn and D. Sommers) (by request of Secretary of State)

Protecting the confidentiality of initiative, referendum, or recall petitioners.

Referred to Committee on Governmental Operations.

ESHB 1671 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King)

Providing major solid waste reform.

Referred to Committee on Environment and Natural Resources.

EHB 1673 by Representatives Wang, Peery and P. King

Changing provisions relating to abuse of teachers.

Referred to Committee on Education.

HB 1747 by Representatives R. Fisher, Belcher, McLean, Winsley, H. Sommers, P. King and Anderson (by request of Secretary of State)

Eliminating charges for space in the candidates' pamphlet.

Referred to Committee on Governmental Operations.

HB 1757 by Representatives Fuhrman, Morris, Dellwo, Raiter, Cooper, Brumsickle, Grant, H. Myers, Peery, Ballard, Hankins, Smith, Rector and Nealey

Permitting certain second class school districts to hire officers' spouses as substitute teachers.

Referred to Committee on Education.

HB 1791 by Representatives Chandler, Dellwo and Day (by request of Insurance Commissioner)

Revising provisions for industrial insurance funds.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1853 by Committee on Environmental Affairs (originally sponsored by Representatives Jones, Hargrove, Rust, Winsley, Haugen, Spanel,

Basich, R. King, Belcher, Cole, Jacobsen, Pruitt, P. King, Valle and Nelson)

Providing for oil spill damage assessments.

Referred to Committee on Environment and Natural Resources.

HB 1890 by Representatives R. Fisher and Anderson

Changing provisions concerning redistricting.

Referred to Committee on Governmental Operations.

HB 1895 by Representatives Haugen and Ferguson

Modifying assessments against public lands.

Referred to Committee on Governmental Operations.

HB 1904 by Representative Hine

Substituting the word improvements, in place of facilities, for use as security for transportation impact fees.

Referred to Committee on Transportation.

HB 1950 by Representatives Valle, Ferguson, Phillips and Sprenkle

Investigating diesel-powered vehicle emission issues.

Referred to Committee on Environment and Natural Resources.

SHB 1963 by Committee on Health Care (originally sponsored by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Heavey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller)

Establishing the maternity care access act.

Referred to Committee on Health Care and Corrections.

HB 1976 by Representatives Prentice, S. Wilson, Gallagher, Baugher, Schmidt and Walk

Extending the project cost evaluation methodology program.

Referred to Committee on Transportation.

HB 1980 by Representatives Peery, Padden, Hargrove, H. Myers, Cantwell, Brough, Winsley, Belcher, G. Fisher, Heavey, Holland, Phillips, Dellwo, Valle, P. King, Pruitt, Leonard, Spanel, Cooper and Morris

Providing for job sharing in school and educational service districts.

Referred to Committee on Education.

HB 2010 by Representatives R. King, Basich, McLean and Inslee

Allowing nonambulatory disabled persons to hunt from nonhighway motor vehicles.

Referred to Committee on Environment and Natural Resources.

SHB 2012 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cantwell, Wolfe, Nealey and Phillips)

Regulating port district land improvement.

Referred to Committee on Governmental Operations.

ESHB 2023 by Committee on Trade and Economic Development (originally sponsored by Representatives G. Fisher, Cantwell, Schoon, Winsley, Ferguson and Tate)

Providing for technology development and commercialization.

Referred to Committee on Higher Education.

HB 2045 by Representatives Prince, Baugher, Smith and Walk

Revising mileage-based special fuel tax computation.

Referred to Committee on Transportation.

EHB 2059 by Representatives Sayan, Cantwell, Basich, Van Luven, Jones, Dorn, Ferguson, Rayburn and P. King

Creating the Washington hardwoods commission.

Referred to Committee on Environment and Natural Resources.

SHB 2088 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Winsley and Dellwo)

Permitting persons in an insurer's holding company system to accept commissions.

Referred to Committee on Financial Institutions and Insurance.

EHB 2135 by Representatives Vekich, Cole and Prentice

Revising provisions on farm labor liens.

Referred to Committee on Agriculture.

HJM 4012 by Representatives Brumsickle, Bowman, Schmidt, Youngsman, Patrick, Ballard, Berozoff, Walker, Silver, McLean, Smith, Grant, Fuhrman, Brough, Phillips, Horn, Holland, Morris, Beck, Padden, Tate, Schoon, D. Sommers, Moyer, Kremen, P. King, Wineberry, Pruitt, Sayan, Winsley, Miller, Rayburn, K. Wilson, May, Inslee, Raiter, Hine, Spanel, G. Fisher, Rasmussen and Wood

Petitioning Congress to restore the deductibility of the retail sales tax.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9107, Harvey Vernier, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF HARVEY VERNIER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Kreidler, McCaslin, McDonald, Owen, Stratton - 5.

Excused: Senators DeJarnatt, Fleming - 2.

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

MOTION

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



## SENATE RESOLUTION 1989-8611

by Senators DeJarnatt and Smith .

WHEREAS, The Castle Rock High School football team won this year's Class A high school football championship at the King Bowl on Saturday, December 3, 1988; and

WHEREAS, The Castle Rock Rockets, in winning this championship, defeated the two-time defending state champion Ephrata Bulldogs, breaking their winning streak at thirty-eight games; and

WHEREAS, The Rockets were outzied by every opponent they faced in the playoffs, and they also suffered under the hardship of having their high school closed due to asbestos contamination prior to the beginning of the school year; and

WHEREAS, In spite of the distraction of double-shift classes in the school district's remaining buildings from before dawn until well after dark, the Castle Rock Rockets football team set forth on their undefeated season determined to let nothing stand in the way of their ultimate success;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate salute head coach Tom Bate, assistant coaches Fred Amrine, Henry Karnotski, Steve Sorenson and Kurt Gray for their guidance and development of their young athletes. The Senate also applauds these student athletes for their determination and for their achievement. The Senate also recognizes that nothing great can be achieved without teamwork, and, therefore, the Senate acknowledges the constant support of the cheerleaders, the student body, the teachers and the community of Castle Rock which made possible the stirring success of this football team;

BE IT FURTHER RESOLVED, That the Washington State Senate hopes that each of these young athletes is able to take this achievement along with them through their lives as proof that determination and the courage to compete are as important in life's other endeavors as they are in athletics;

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Castle Rock Rockets football team, their coaches, and to the Castle Rock High School as a record of their recognition by the Washington State Senate.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Class A high school championship football team, the Castle Rock Rockets, and their coaches who were seated in the gallery.

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

## SECOND READING

SENATE BILL NO. 6061, by Senators Benitz, Stratton and Bluechel

Requiring the state patrol to develop a permanent working group to periodically review guidelines and response capabilities to radioactive materials and waste.

## MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6061 was substituted for Senate Bill No. 6061 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment by Senators Williams and Sutherland be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** It is the intention of the legislature that the transportation of radioactive material be regulated for the purposes of protecting health and safety and promoting interstate commerce to the full extent allowable under and consistent with federal laws and regulations.

**NEW SECTION, Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply through sections 1 through 12 of this act.

(1) "Carrier" means and includes common, private, and contract carriers.

(2) "Radioactive material" has the meaning given this term in federal department of transportation regulations found in 49 C.F.R. part 173.

(3) "Transportation" means the transport by any means of radioactive material destined for or derived from any location, and any loading, unloading, stops en route, or storage incident to such transport. "Transportation" does not include permanent storage or disposal of the material.

**NEW SECTION.** Sec. 3. (1) No person shall transport radioactive material into or within the state without first obtaining a permit from the Washington state patrol.

(2) The permit shall be issued for a period not to exceed one year and shall be valid for all shipments within that period of time unless specifically limited by permit conditions.

(3) Application for a permit under this section shall be made in a form and manner prescribed by rule by the Washington state patrol.

(4) No fee shall be collected from applicants for permits under this section.

(5) A permit shall be issued only if the application demonstrates that the proposed transportation will be conducted in a manner consistent with federal requirements, without endangering the health or safety of the citizens of the state.

**NEW SECTION.** Sec. 4. (1) The department of social and health services, in consultation with the Washington state patrol, by rule:

(a) May establish requirements for notification, recordkeeping, reporting, packaging, and emergency response;

(b) May designate preferred routes by highway, railroad, waterway, and air for safe transportation of radioactive material;

(c) May specify conditions of transportation for certain classes of radioactive material including, but not limited to, specific routes, permitted hours of movement, requirements for communications capabilities between carriers and emergency response agencies, speed limits, police escorts, checkpoints, operator or crew training, or other operational requirements to enhance public health and safety;

(d) Shall establish requirements for insurance, bonding, or other indemnification on the part of any person transporting radioactive material into or within the state; and

(e) Shall notify persons or entities contracting for the transportation of radioactive materials of any moving or safety violations by the carrier of the radioactive material.

(2) The requirements imposed in subsection (1) of this section shall be consistent with federal department of transportation and nuclear regulatory commission rules.

**NEW SECTION.** Sec. 5. The Washington state patrol shall cooperate with, and provide permit and inspection information upon request to all other interested state agencies, local government entities in whose jurisdiction the route or routes of the proposed shipments are located, federally recognized Indian tribes across whose reservation the route or routes of the proposed shipments are located, and government agencies in the other member states of the Pacific states agreement on radioactive materials transportation management where the shipment of radioactive materials is proposed to pass through.

**NEW SECTION.** Sec. 6. Any person obtaining a permit under section 3 of this act shall establish and maintain any records, make any reports, provide any relevant information as may be required by rule to assure compliance with the conditions of the permit or other rules affecting the transportation of radioactive materials, and submit the reports and make the records and information available at the request of the issuing agency.

**NEW SECTION.** Sec. 7. A person obtaining a permit pursuant to section 3 of this act shall indemnify this state, and may agree to indemnify other states in which the permit may be accepted, for any claims against the state arising from the release of radioactive material during that transportation for which the permit was issued and for the cost of response to an accident involving the radioactive material for which the permit was issued. With respect to radioactive materials, the Washington state patrol shall ascertain and certify that insurance coverage required under 42 U.S.C. Sec. 2210 is in force and in effect at the time the permit is issued under section 3 of this act.

**NEW SECTION.** Sec. 8. (1) Vehicles transporting radioactive material shall submit to a comprehensive safety inspection upon entry into the state or commencement of travel within the state as required by rule by the state patrol. Inspection shall insure compliance with this chapter and all applicable state and federal statutes, rules, and regulations.

(2) Upon completion of inspection and a finding that the vehicle complies with the applicable standards, the inspection shall be noted on an inspection certificate. The inspection certificate shall remain in the vehicle at all times and shall be available for inspection by the Washington state patrol upon request.

**NEW SECTION.** Sec. 9. (1) A carrier need not obtain a permit when the carrier (a) possesses and is in compliance with a valid permit issued by a member state of the Pacific states agreement on radioactive materials transportation in substantial conformance with permit requirements of this state, and (b) complies with the indemnity requirements of 42 U.S.C. Sec. 2210.

(2) A vehicle need not obtain an inspection certificate upon completion of inspection when the vehicle has in its possession a valid or current inspection certificate issued by a member state of the Pacific states agreement on radioactive materials transportation in substantial conformance with the requirements for an inspection certificate issued by this state.

**NEW SECTION.** Sec. 10. (1) The Washington state patrol shall, upon request by a federal agency transporting or regulating the transport of radioactive material, or by a member state of the Pacific states agreement on radioactive material transportation that recognizes permits issued by this state, provide any information requested regarding permits issued, including carrier compliance with permits and permit conditions.

(2) The chief of the Washington state patrol, in consultation with the department of social and health services, shall review the permit format and permitting procedures of member states in the Pacific states agreement on radioactive materials transportation. Upon completion of this review, the chief shall make findings as to whether the permit requirements of any other states are in substantial conformance with the requirements of this chapter and its implementing regulations.

**NEW SECTION.** Sec. 11. A new section is added to chapter 46.48 RCW to read as follows:

The Washington state patrol is directed to develop a permanent working group to periodically review guidelines and response capabilities pertaining to radioactive materials and radioactive waste. Members of the group shall include representatives of the office of radiation protection of the department of social and health services, the division of emergency management of the department of community development, county sheriffs, and any other entity chosen by the chief.

**NEW SECTION.** Sec. 12. A new section is added to chapter 46.48 RCW to read as follows:

The Washington state patrol and the office of radiation protection shall jointly prepare and submit to the governor and the committees on energy and utilities of the house of representatives and the senate by January 1 of each year a comprehensive report on the use and transportation of radioactive materials in this state and provide an evaluation of the adequacy of emergency response capability to any accidents involving radioactive materials. The report shall include but need not be limited to:

- (1) The uses and scope of radioactive materials throughout the state;
- (2) Statistical data on the number of radioactive materials shipments in the state including, to the extent feasible, the nature of the materials, their source, and their destination;
- (3) A brief description and compilation of any accidents and casualties or incidents in the state involving the transportation of radioactive materials;
- (4) Other statistical data regarding the shipment of radioactive materials;
- (5) A summary of outstanding problems confronting the agency in the administration of this chapter; and
- (6) Such recommendations for additional legislation as is considered necessary or appropriate.

**NEW SECTION.** Sec. 13. (1) The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the Washington state patrol, to carry out the purposes of this act.

(2) The sum of fifteen thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the office of radiation protection, to carry out the purposes of this act.

**NEW SECTION.** Sec. 14. Sections 2 through 10 of this act shall be added to chapter 46.48 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Williams and Sutherland to Substitute Senate Bill No. 6061.

The motion by Senator Williams failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Bender, Senators Kreidler and Stratton were excused.

On motion of Senator Anderson, Senator McCaslin was excused.

#### MOTION

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 6061 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6061.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6061 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McDonald,

McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Kreidler, McCaslin, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 6061, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8002, by Senators Metcalf, Sutherland and Benitz

Requesting a Western States Recycling Coalition.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8002 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8002.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8002 and the joint memorial passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Kreidler, McCaslin, Stratton - 5.

SENATE JOINT MEMORIAL NO. 8002, having received the constitutional majority was declared passed.

#### CLARIFICATION OF RULING BY THE PRESIDENT

President Pritchard: "Ladies and Gentlemen of the Senate, the President would like to add a few words by way of clarifying a parliamentary ruling issued late Friday afternoon.

"Senator Vognild had raised a point of order. That point of order was raised in a timely manner. The President's remarks of untimeliness were directed to any objections which might exist relative to the Senate's actions on reconsidering a different bill at a time when the Senate was not on the ninth order of business. The President regrets any misunderstanding.

"With respect to Senator Vognild's point of order, the President reiterates that Senator Nelson's motion to reconsider was proper as the Senate had, for the first time since notice of reconsideration was given, moved to the ninth order of business."

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Conner, Bender, Madsen, DeJarnatt and Murray

Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Patterson, the rules were suspended, Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8003.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Connor, you referred to the railroad that runs from Port Angeles to Bremerton?"

Senator Connor: "From Olympia, it goes to Aberdeen and then it branches off and goes up to Bremerton."

Senator Rasmussen: "Well, my direct question is, I didn't know that Amtrak ran that way and Amtrak is referred to."

Senator Connor: "They have the Burlington Northern which is the route."

Senator Rasmussen: "Well, I think the bill relates to Amtrak and the holding tanks on the passenger trains and--"

Senator Connor: "Well, that could be a problem with those workers who are working on that line, which comes from Los Angeles up through Seattle."

Senator Rasmussen: "Yes, Amtrak does run there. You mentioned your other railroad there and I thought I'd missed something someplace that they'd put a road in I hadn't heard about."

#### MOTION

On motion of Senator Smith, Senator Matson was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8003 and the joint memorial passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Matson, McCaslin, Stratton - 5.

SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority was declared passed.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8005, by Senator Metcalf

Requesting a dedicated trust fund for an outdoor recreation grant program.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8005 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8005.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8005 and the joint memorial passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Hansen - 1.

Absent: Senators Owen, Pullen - 2.

Excused: Senators DeJarnatt, Fleming, McCaslin, Stratton - 4.

SENATE JOINT MEMORIAL NO. 8005, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5182, by Senators Barr, Owen, Conner, Metcalf, Sellar, Vognild, Benitz, Bauer, Anderson, West and Kreidler

Establishing a loan forgiveness program for rural health professionals.

## MOTIONS

On motion of Senator Newhouse, Second Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the second substitute bill was placed on second reading and read the second.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5182.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Metcalf, Kreidler and DeJarnatt

Asking Congress to clarify federal law concerning oil spill remedies.

The joint memorial was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8006.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the joint memorial passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8011, by Senators Metcalf and Owen

Requesting that Congress continue to support federal and international greenhouse and sea level rise funding.

The joint memorial was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8011 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8011.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8011 and the joint memorial passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Amondson, Barr, Hansen, Patterson - 4.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

SENATE JOINT MEMORIAL NO. 8011, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5756, by Senators McCaslin, Warnke and DeJarnatt

Changing provisions relating to sureties for public works bonds.

The bill was read the second time.

## MOTIONS

On motion of Senator Bluechel, the following amendment was adopted:

On page 2, line 6, after "later" and before the period insert "; PROVIDED FURTHER, That for contracts of one hundred thousand dollars or less, the public entity may accept a full payment and performance bond from an individual surety or sureties: AND PROVIDED FURTHER, That the surety must agree to be bound by the laws of the state of Washington and subjected to the jurisdiction of the state of Washington."

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 5756 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5756.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5756 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Nelson - 1.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

ENGROSSED SENATE BILL NO. 5756, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators Metcalf, Owen, Sutherland and Rasmussen

Praying that the army corps of engineers install bypass facilities at hydroelectric projects.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8013 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8013:

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8013 and the joint memorial passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Nelson - 1.

Excused: Senators DeJarmatt, Stratton - 2.

SENATE JOINT MEMORIAL NO. 8013, having received the constitutional majority was declared passed.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Benitz, Williams, Sutherland, Bluechel and Stratton

Asking for a comprehensive national energy policy.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Benitz, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8015.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8015 and the joint memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarmatt, Stratton - 2.

SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority was declared passed.

#### MOTION

At 9:48 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by President Pritchard.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Barr, Hansen, Lee, Gaspard and Benitz

Creating a joint select committee on agricultural products clear title.



## MOTIONS

On motion of Senator Newhouse, Substitute Senate Concurrent Resolution No. 8400 was substituted for Senate Concurrent Resolution No. 8400 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8400.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8400 and the concurrent resolution passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bluechel, Matson, Owen - 3.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400, having received the constitutional majority was declared passed.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, by Senators West, Smitherman, Lee, Warnke, McMullen and Fleming

Providing for a joint select committee on employer-employee relations.

The concurrent resolution was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 23, after "RCW," insert "except as that act applies to uniformed personnel under RCW 41.56.430 through 41.56.910."

On motion of Senator Lee, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8403 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Concurrent Resolution No. 8403.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8403 and the concurrent resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5964, by Senators Hayner, Newhouse, Rasmussen, Nelson, Rinehart, Matson, McDonald, Bluechel, Talmadge, Cantu, Stratton, Sellar, Johnson, Bauer and Saling

Providing a use tax exemption for personal property donated to colleges and universities.

## MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5964 was substituted for Senate Bill No. 5964 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5964 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5964.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5964 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 5964, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5215, by Senators Saling, Bauer, West, Smitherman, Lee, Fleming and Rinehart (by request of Governor Gardner)

Authorizing financial aid to needy students enrolled on at least a half-time basis.

The bill was read the second time.

## MOTION

Senator Saling moved that the following Committee on Higher Education amendments be considered simultaneously and be adopted:

On page 2, line 7, after "enrollment" strike "as a full time student" and insert ((~~as a full time student~~)) on at least a half-time basis

On page 2, line 11, after "enrollment" strike "as a full time student" and insert ((~~as a full time student~~)) on at least a half-time basis

## POINT OF INQUIRY

Senator Niemi: "Senator Saling, what's a half-time basis?"

Senator Saling: "Pardon me?"

Senator Niemi: "What is a half-time basis?"

Senator Saling: "A student taking at least one-half of a full load."

Senator Niemi: "Well, that's how many hours? We have a law now that speaks of twelve hours. How many hours are half-time?"

Senator Saling: "That's depending upon how the institution determines what a full-time student is and whatever the individual university or college determines is a half-time student who would be eligible for financial aid. It could be if the college says twelve hours is a full-time student, then it could be anyone with six hours or above."

Senator Niemi: "All right, there is no definition by the HEC Board?"

Senator Saling: "On a half-time student, not to my knowledge."

The President declared the question before the Senate to be the adoption of the Committee on Higher Education amendments on page 2, lines 7 and 12 to Substitute Senate Bill No. 5215.

The motion by Senator Saling carried and the committee amendments were adopted.

## MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 4, after line 24, insert the following:

"NEW SECTION, Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

Senator Smitherman moved that the following amendment be adopted:

On page 4, after line 24, insert the following:

"NEW SECTION, Sec. 4. One million nine hundred twenty-two thousand five hundred dollars, or as much thereof as may be necessary, is appropriated to the higher education coordinating board from the general fund for the biennium ending June 30, 1991, for the purposes of this act."

Debate ensued.

## POINT OF INQUIRY

Senator Lee: "Senator Smitherman, since this amendment that you're proposing was not an amendment to the committee amendment, the null and void clause, was accepted by this body. Do you, therefore, intend that there be even more money than this in order that the act be valid, because it now states that unless there is actual funding within the budget, that the entire act is null and void."

Senator Smitherman: "Senator Lee, I've never been a fan of the null and void concept. I think, because it allows us to play with responsibility for funding bills, and I recognize that it's a means to set off things until we know a little bit more about the revenue forecast and so on, but I think we're almost there. I think that we do know what the forecasts are going to be and I don't see any reason why we can't make some reasonable effort toward funding these students."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Smitherman on page 4, line 24, to Senate Bill No. 5215.

The motion by Senator Smitherman failed and the amendment was not adopted.

## MOTION

On motion of Senator Bender, Senators Kreidler, Warnke and Vognild were excused.

## MOTIONS

On motion of Senator Saling, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "28B.10.808" and before the period, insert "; and creating a new section"

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 5215 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5215.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5215 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Kreidler, Matson, Stratton, Vognild, Warnke - 6.

ENGROSSED SENATE BILL NO. 5215, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:26 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:40 p.m. by President Pritchard.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9109, Joe W. Jackson, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

## APPOINTMENT OF JOE W. JACKSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kretzler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Hansen, Hayner, Patterson - 3.

Excused: Senators DeJarnatt, Matson, Stratton, Vognilid - 4.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1989-8621

by Senators Pullen, Bauer, Newhouse, Conner, Matson, Cantu, Smitherman, Fleming, Nelson, Warnke and Sutherland

WHEREAS, Drugs are destroying families, taking human life, costing the economy millions of dollars, and infiltrating our educational system; and

WHEREAS, Drugs are rapidly becoming the number one enemy of the state of Washington; and

WHEREAS, Drugs have been linked to over eighty percent of all crimes; and

WHEREAS, Drug use is on the rise with our young children including those at the elementary school level; and

WHEREAS, Drug education is fast becoming recognized as the most effective means of dealing with the drug crisis; and

WHEREAS, Studies have found that teaching our children at a young age to effectively deal with peer pressure (learning how to say no) is the most effective deterrent to drug use; and

WHEREAS, A program developed in Los Angeles and adopted in many communities in the state of Washington which utilizes specially trained police officers to enter grade schools and teach our youth how to deal with peer pressure has experienced tremendous success. The program is entitled Drug Abuse Resistance Education (D.A.R.E.);

NOW, THEREFORE, BE IT RESOLVED, That the Senate supports, recommends, and endorses the D.A.R.E. program, to save our childrens' future.

Senators Fleming and Smitherman spoke to Senate Resolution 1989-8621.

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

## SECOND READING

SENATE BILL NO. 5218, by Senators Saling, Bauer, Bailey and Bluechel

Modifying bonds and bond issuance authority of the state finance committee.

The bill was read the second time.

#### MOTION

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

On page 3, beginning on line 21, strike all of Section 3

Debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5218 was deferred.

#### MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 5096, by Senators Bluechel, Gaspard, McDonald, Bauer, Conner, Amondson, Anderson, Barr and Johnson

Exempting small timber harvesters from the business and occupation tax.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5096 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5096.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5096 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Vognild - 1.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

SENATE BILL NO. 5096, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5294, by Senators Newhouse, Moore, Warnke, Hayner, Saling, Owen, Sellar, Stratton, Amondson, Bauer, Matson, Benitz, Smitherman, Smith, Craswell, Nelson, Madsen, Conner, Hansen, Patterson, Bluechel, Johnson, Vognild, von Reichbauer and Lee

Modifying the business and occupation tax on low-level waste.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5294 was substituted for Senate Bill No. 5294 and the substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendment by Senators McDonald and Newhouse be adopted:

On page 4, after line 8, strike everything through line 14 and insert the following:

(b) Twenty percent in 1989 when the volume of waste is equal to or less than five hundred thousand cubic feet, or when the volume of waste is greater than three hundred thousand cubic feet;

(c) Ten percent in 1990 and 1991 when the volume of waste is equal to or less than five hundred thousand cubic feet, or when the volume of waste is greater than three hundred thousand cubic feet;

(d) Five percent in 1992 when the volume of waste is equal to or less than five hundred thousand cubic feet, or when the volume of waste is greater than three hundred thousand cubic feet; and

(e) Five percent in 1993 and thereafter when the volume of waste is equal to or less than five hundred thousand cubic feet.

The rates of tax in (b) through (d) of this subsection shall apply if the volume of waste falls to three hundred thousand cubic feet or less because of explicit regulatory or statutory provision."

#### POINT OF INQUIRY

Senator Williams: "Senator McDonald, just in reading the language in subsection (e) of the amendment, it talks about five percent in 1993 and thereafter, but it puts it up to five hundred thousand dollars. I was just wondering why we need a limit in the particular section. In other words, I don't know what the circumstances might be, but if for some reason or other, there were some change in policy or something and somehow Hanford took more than five hundred thousand, what would the rate be?"

Senator McDonald: "Senator Williams, after 1992, we are going to be a regional waste site. I don't believe that we're going to have that upper limit problem and I believe that the five percent is going to be predominate or will take effect, so I don't see that as a major problem."

Senator Williams: "I understand the principle is that the compact will be in place and we won't take that much. I just found that it was interesting that we left-- you never know what may happen and I just found it interesting. We'll have to decide when that happens, I suppose."

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Newhouse on page 4, after line 8, to Substitute Senate Bill No. 5294.

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

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5294.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Voting nay: Senators Fleming, Gaspard, Madsen, McMullen, Murray, Niemi, Rinehart, Talmadge - 8.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5911, by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer

Providing for the sale of state timber.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5911 was substituted for Senate Bill No. 5911 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen, Conner, Madsen, Bauer, Barr, Johnson, Anderson, Craswell, Vognild, Smith, Bailey, Rasmussen, McCaslin, Matson, Hansen and Newhouse be adopted:

On page 1, beginning on line 27, strike all materials through and including "trust." on page 2, line 3, and insert:

"To ensure the availability of funding for construction of educational facilities, on the effective date of this 1989 act, the state shall offer for sale all timber on state lands that has been deferred from scheduled sale in the sustained yield management program because it lays on land that has been designated, studied or planned as spotted owl habitat."

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Owen, how many acres of land would be affected by the amendment that you proposed?"

Senator Owen: "I understand that it's around six thousand. It could be as much as six thousand acres."

Senator Talmadge: "In the Senate Ways and Means Committee, there was a question raised with respect to the issue of sustained yield and whether or not this proposed amendment would substantially affect the state's policy of sustained yield on trust lands. Has that issue been addressed at all with respect to this amendment?"

Senator Owen: "The amendment does not affect the sustained yield program at all. It does not require that they go outside the sustained yield program, so the department would still be required to cut within the sustained yield levels already determined by the Board of Natural Resources."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, if I recall correctly, these lands were included prior to the owl and sustained yield, that is they went through the Natural Resources Forestry Board and they were all scheduled on a sustained yield basis."

Senator Owen: "That's correct. We referenced those that were a scheduled sale in the sustained yield."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen, Conner, Madsen, Bauer, Barr, Johnson, Anderson, Craswell, Vognild, Smith, Bailey, Rasmussen, McCaslin, Matson, Hansen and Newhouse on page 1, beginning on line 27, to Substitute Senate Bill No. 5911.

The motion by Senator Owen carried and the amendment was adopted on a rising vote.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5911 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5911.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5911 and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, von Reichbauer, Warnke - 30.

Voting nay: Senators Bender, Bluechel, Fleming, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Talmadge, Vognild, West, Williams, Wojahn - 15.

Absent: Senator Hansen - 1.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5990, by Senators Johnson, Moore and McCaslin

Limiting taxes on resale of network telephone service.

The bill was read the second time.

#### MOTIONS

On motion of Senator Johnson, the following amendment by Senator McCaslin was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 10, chapter 144, Laws of 1981 as last amended by section 1, chapter 70, Laws of 1986 and RCW 35.21.714 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.04.065, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for network telephone service that is purchased for the purpose of resale.

Sec. 2. Section 2, chapter 70, Laws of 1986 and RCW 35.21.715 are each amended to read as follows:

Notwithstanding RCW 35.21.714 or 35A.82.060, any city or town which imposes a tax upon business activities measured by gross receipts or gross income from sales, may impose such tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll services, or charges for network telephone service that is purchased for the purpose of resale. Such tax shall be levied at the same rate as is applicable to other competitive telephone service as defined in RCW 82.04.065.

Sec. 3. Section 11, chapter 144, Laws of 1981 as last amended by section 4, chapter 70, Laws of 1986 and RCW 35A.82.060 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.04.065, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for network telephone service that is purchased for the purpose of resale.

Sec. 4. Section 5, chapter 70, Laws of 1986 and RCW 35A.82.065 are each amended to read as follows:

Notwithstanding RCW 35.21.714 or 35A.82.060, any city or town which imposes a tax upon business activities measured by gross receipts or gross income from sales, may impose such tax on that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll services, or charges for network telephone service that is purchased for the purpose of resale. Such tax shall be levied at the same rate as is applicable to other competitive telephone service as defined in RCW 82.04.065.

**NEW SECTION.** Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 35.21.714, 35.21.715, 35A.82.060, and 35A.82.065."



## MOTION

On motion of Senator Newhouse, the rules were suspended. Engrossed Senate Bill No. 5990 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5990.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Barr, Hansen, Hayner, Matson - 4.

Excused: Senators DeJarnatt, McCaslin, Stratton - 3.

ENGROSSED SENATE BILL NO. 5990, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5850, by Senators Johnson, Smitherman, von Reichbauer, Owen, Moore, Sellar, McCaslin, Madsen, Metcalf, Bailey, Thorsness and West

Modifying the contract transactions of funeral establishments.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the following amendment by Senators von Reichbauer, Johnson and Hayner was adopted:

On page 4, line 6, after "exceed" strike "normal and customary trustees' fees charged by qualified public depositories" and insert "one percent of the face amount of the prearrangement funeral service contract per annum. In no instance shall the administrative charges deducted from the prearrangement funeral service trust reduce, diminish, or in any other way lessen the value of the trust so that the services or merchandise provided for under the contract are reduced, diminished, or in any other way lessened."

## MOTION

On motion of Senator von Reichbauer, the rules were suspended. Engrossed Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Johnson, could you tell me, do they use telemarketing for these services? This is concerned with a pre-sale. Do they use boiler rooms for selling those pre-sales?"

Senator Johnson: "I do not know. I have never received a call like that. I don't think that that works very well myself. We don't do it in the bearing business either."

Senator Rasmussen: "Well, it doesn't do any good after you're dead. I'm sure they do the pre-sale before you die, but that's my concern. I did receive a card from one of the inspectors of one of the cemetery boards and he indicated that the cancellation fee for the handling of the trust was too high and he says they have a

terrible time with those people that are out selling these plans to the poor people that you're talking about--the senior citizens. I'm going to ask the House to take another look at that fifteen percent where you get sold a burial plan and you want to get out of it after thirty days. They take fifteen percent of it. Some of those are quite costly. What is the average price, Senator Johnson? Do you know?"

Senator Johnson: "I do not know. I know that if you happen to be on welfare, you can buy a pre-plan and it is not used in the spend down--twenty-five hundred dollars--Senator von Reichbauer says is the average cost, but this should save the state some money dealing with welfare recipients that leave us."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 37.

Voting nay: Senators Bender, Fleming, Rinehart, Vognild, Wojahn - 5.

Absent: Senators Hansen, McMullen - 2.

Excused: Senators Barr, DeJarnatt, Hayner, Matson, Stratton - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5506, by Senators Newhouse, Gaspard, Lee, Benitz and Anderson (by request of Department of Community Development)

Making appropriations for projects recommended by the public works board.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5506 was substituted for Senate Bill No. 5506 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended. Substitute Senate Bill No. 5506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5506.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5506 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Hansen - 1.

Excused: Senators DeJarnatt, Hayner, Matson, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 5506, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5431, by Senators Bauer, Smith, Sutherland, McDonald and Vognild

Exempting property from the leasehold excise tax.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5431 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5431.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Barr, Sellar - 2.

Excused: Senators DeJarnatt, Hayner, Matson, Stratton - 4.

SENATE BILL NO. 5431, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5289, by Senators Metcalf, DeJarnatt, Barr, Benitz and Anderson

Authorizing the formation of regional fisheries enhancement groups.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5289 was substituted for Senate Bill No. 5289 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland, Bauer and Warnke be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION, Sec. 1.** This act shall be known and cited as the 1989 Washington centennial food fish enhancement act.

**NEW SECTION, Sec. 2.** A new section is added to chapter 75.08 RCW to read as follows:

The legislature finds that the state of Washington possesses the resources to become the sport fishing capital of the United States and the Pacific Northwest possesses the resources to become the sport fishing capital of all of North America. The natural runs of salmon, sturgeon, and steelhead, the quality of habitat, the favorable harbors, and the investment in hatcheries and fishing equipment have Washington poised to capture the recreational fishing market.

It is the intent of the legislature to develop and implement policies and programs which will establish Washington as the sport fishing capital of the United States. The social and economic benefits of such programs will enhance all citizens of the state, the local economies, and the welfare of the state's residents.

**NEW SECTION, Sec. 3.** The legislature further finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department of fisheries. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

Sec. 4. Section 3, chapter 112, Laws of 1949 as last amended by section 5, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.012 are each amended to read as follows:

(1) The department shall manage, preserve and maintain, protect(;;) and perpetuate ((and manage)), and enhance and supplement populations of the food fish and shellfish in state waters and offshore waters.

The department shall conserve the food fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the recreational and commercial fishing industry in the state, subject to subsection (2) of this section. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

(2) It shall be the responsibility of the department to manage the recreational fish in the state as defined in RCW 75.08.011 in a manner that will develop, promote, and enhance recreational fishing opportunities. All recreational species of food fish shall be managed for the primary benefit of the recreational fisheries.

The department shall manage the commercial food fish in this state as defined in RCW 75.08.011, in a manner that will develop, promote, and enhance commercial fishing opportunities. Commercial species of food fish shall be managed for the primary benefit of the commercial fishery.

(3) The department shall manage commercial fisheries to minimize the incidental harvest of wild depleted stocks of chinook and coho salmon, the incidental harvest of sturgeon, and the handling of steelhead.

(4) By December 15, 1989, the department shall prepare and implement a management and enhancement plan. The department shall submit to the appropriate committees of the legislature a description of the process which will be followed in preparation of the management and enhancement plan. The regional fisheries enhancement groups created in sections 3, 10, and 11 of this act shall be involved in the development of the plan.

NEW SECTION. Sec. 5. A new section is added to chapter 75.08 RCW to read as follows:

(1) An essential element in the production of wild fish is the retention, development, and improvement of appropriate habitat. The department shall vigorously work with all local, state, federal, tribal, and private organizations and the regional fisheries enhancement groups created in sections 3, 10, and 11 of this act to:

- (a) Retain adequate stream flows for fish passage, reproduction, and growth;
- (b) Protect streams and streamside habitat in order to maintain spawning and rearing areas for wild stocks and their supplemental population development;
- (c) Improve existing habitat through removing physical barriers, improving water quality, educating the public, and other necessary steps; and
- (d) Consider all of the needs of wild fish and supplementation in all state-managed waters.

(2) In all state-managed waters, the department shall strive to enhance fish populations through research, development of habitat, improved fish passage, disease control, protection of wild runs, construction of hatcheries, development of cooperative projects by nonprofit groups, public education, and other appropriate activities.

Sec. 6. Section 4, chapter 35, Laws of 1971 as last amended by section 1, chapter 115, Laws of 1988 and RCW 75.08.245 are each amended to read as follows:

(1) The legislature recognizes that the management of chinook and coho salmon for the primary benefit of recreational anglers may cause more fish to return to a hatchery or spawning grounds than is necessary for the perpetuation of the run. The legislature further recognizes that such practices are appropriate and acceptable. Proceeds from the sale of those surplus salmon or salmon parts shall be used exclusively by the department for salmon enhancement projects, including the regional enhancement groups established in sections 3, 10, and 11 of this act.

(2) The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs and the needs of the regional enhancement groups established in sections 3, 10, and 11 of this act.

The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.

Sec. 7. Section 75.04.010, chapter 12, Laws of 1955 as last amended by section 4, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.011 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- (1) "Director" means the director of fisheries.
- (2) "Department" means the department of fisheries.
- (3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means species of the genus *Oncorhynchus* and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line, operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Recreational fish" means those species of food fish managed for the primary benefit of recreational fisheries. Recreational fish shall include coho salmon, chinook salmon, sturgeon, Lake Washington sockeye, halibut, lingcod, and black rockfish.

(20) "Commercial fish" means those species of food fish managed for the primary benefit of commercial fisheries. Commercial fish shall include, among other species of food fish, sockeye salmon, except Lake Washington sockeye, chum salmon, and pink salmon. Commercial fish shall not mean the species of food fish managed as recreational fish.

NEW SECTION. Sec. 8. The department of fisheries shall submit a report annually to the senate environment and natural resources committee and the house of representatives fisheries and wildlife committee or their successor committees through December 31, 1994. The report shall review the status of implementation of this act.

NEW SECTION. Sec. 9. Beginning July 1, 1995, an evaluation committee shall review and evaluate continuation of this act with or without modification. The evaluation committee shall consist of eight legislators, two from each of the four legislative caucuses. The chair of the committee shall be selected by the committee members. The committee may include representatives of interested organizations as nonvoting members. The committee shall issue its recommendations to both houses of the legislature no later than December 31, 1995.

NEW SECTION. Sec. 10. Any interested person may become a member of a regional fisheries enhancement group. The membership of each group shall select its board members and chair by a democratic process. It is desirable for the group to have representation from all categories of fishermen that have interest in salmon within the region, as well as the general public. Each group shall be limited to ten voting members.

The director shall appoint a department employee to serve as a liaison between the department and the group. The department liaison shall actively participate in the activities of the group and facilitate its operation in any way possible.

**NEW SECTION.** Sec. 11. Six regional fisheries enhancement groups are authorized:

- (1) Columbia river, and its tributaries, above Bonneville dam;
- (2) Columbia river, and its tributaries, below Bonneville dam;
- (3) Grays Harbor and Willapa Bay;
- (4) North Coast and the Straits of Juan de Fuca;
- (5) Puget Sound, and adjacent rivers and lakes, north of Everett; and
- (6) Puget Sound, and adjacent rivers and lakes, south of Everett.

**NEW SECTION.** Sec. 12. The director shall cooperate fully with the regional fisheries enhancement groups authorized by this chapter. The director shall supply salmon eggs, technical information, surplus equipment, professional consultation, and any other assistance that can be provided to the group.

**NEW SECTION.** Sec. 13. The chair of each regional fisheries enhancement group shall coordinate with the department liaison assigned to the group to assure that the department and the group are working in harmony toward mutually agreeable goals. Those goals shall include, but not be limited to the following:

- (1) Develop and promote fisheries for various salmon species;
- (2) Work with all fisheries allocation bodies to obtain allocations of food fish that will maintain, develop, promote, and enhance the fisheries of the state including in all allocation decisions the objective of maximizing the return of Washington-produced fish to Washington waters;
- (3) Develop stable fishing seasons and bag limits;
- (4) Operate hatcheries and other enhancement projects in coordination with operators of other hatcheries;
- (5) Take steps in supplementing fisheries that will increase the number of fish produced in state waters, and caught in state waters and in the Pacific Ocean adjoining state waters; and
- (6) Work with all utilities and regulatory entities to develop programs and projects that preserve, protect, and enhance the anadromous fish resource within the confines of state water policy development.

**NEW SECTION.** Sec. 14. Operating costs of the regional fisheries enhancement groups may be recovered by sale of salmon carcasses and eggs that return to the group enhancement facilities. In no case may the group intercept and capture salmon that are produced by natural spawning or nongroup enhancement projects for the purposes of cost recovery. If the group enhancement facilities produce more viable salmon eggs than are needed for group enhancement projects then the surplus viable eggs shall be offered to the department for department operated enhancement projects, or department-authorized cooperative projects.

**NEW SECTION.** Sec. 15. Funding for regional fisheries enhancement groups shall be from a variety of funding sources.

- (1) Start up grant - Each group is authorized to apply for a one time grant of eight thousand dollars per group. The grant will be administered by the director and shall be utilized for initial organizational and planning expenses.
- (2) State loan - Each group may apply for state-funded enhancement loans. Loan applications shall be submitted to the salmon advisory council for initial recommendations. The director shall further review loan applications and then submit the applications to the legislature for consideration. Payback of said loans shall be structured to coincide with probable income generated from the group's cost recovery program.
- (3) Cost recovery - Sale of salmon carcasses and eggs that return to group facilities and other state-managed facilities.
- (4) Private contributions - The groups are encouraged to conduct periodic fundraising activities.

**NEW SECTION.** Sec. 16. The sum of forty-eight thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, to carry out the purposes of start up grants to regional fisheries enhancement groups.

**NEW SECTION.** Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 18. Sections 3 and 10 through 15 of this act shall constitute a new chapter in Title 75 RCW."

#### POINT OF ORDER

Senator West: "Mr. President, I would rise to a point of order. I would have to question the scope and object of the amendment as made. The underlying bill, the prime bill, Substitute Senate Bill No. 5289 creates six regional fisheries enhancement groups. That's all it does. Now, the proposed amendment, which has a striking resemblance to Senate Bill No. 5141, which I happen to have been a sponsor of,

goes much beyond that--the amendment goes much beyond that. It talks about more than just these groups. It talks about enhancing, promoting, maintaining, developing, and stabilizing the fisheries, which are all good things to do, but don't fit under Substitute Senate Bill No. 5289. It also goes on to talk about the incidental commercial harvest of chinook, wild chinook, coho, sturgeon, and the handling of steelhead in commercial fisheries. It goes way beyond. Now, the drafter of the amendment craftily intertwined the amendment into the original bill, but that's not the point. The point is, the original bill said one thing. This doesn't necessarily change what was said by the original bill, but goes far afield in trying to direct state policy in fisheries--way beyond what the original bill did."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5289 was deferred.

#### MOTION

On motion of Senator Newhouse, the Senate resumed consideration of Senate Bill No. 5218 and the pending amendment by Senators Vognild and Gaspard on page 3, beginning on line 21, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Gaspard on page 3, beginning on line 21, to Senate Bill No. 5218.

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

#### MOTION

Senator Saling moved that the following amendment by Senators Saling, McDonald and Gaspard be adopted:

On page 3, after line 20, insert the following:

**"NEW SECTION.** Sec. 3. It is the intent of the legislature to authorize the issuance of bonds under this act in the 1989 omnibus bond authorization act in order to implement the 1989-91 capital budget."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Saling, McDonald and Gaspard to Senate Bill No. 5218.

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

#### MOTIONS

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2, after "39.42.030," strike "39.42.060, and 28B.106.020" and insert "and 39.42.060"

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 5218 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Gaspard, Senator Hansen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5218.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5218 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Pullen - 1.

Absent: Senator Barr - 1.

Excused: Senators DeJarnatt, Hansen, Hayner, Matson, Stratton - 5.

ENGROSSED SENATE BILL NO. 5218, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Warnke, Senator Vognild was excused.

On motion of Senator Anderson, Senator Barr was excused.

#### SECOND READING

SENATE BILL NO. 5221, by Senators Saling, Bauer, Patterson, Rinehart, Smitherman, Bailey, Lee, West and Warnke

Establishing the advance college payment program.

#### MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5221 was substituted for Senate Bill No. 5221 and the substitute bill was placed on second reading and read the second.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5221 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5221.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Barr, DeJarnatt, Hansen, Stratton, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 5221, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5886, by Senator West

Modifying confidentiality standards for information regarding sexually transmitted diseases.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the substitute bill was placed on second reading and read the second.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Niemi: "Senator West, I would like a point of clarification on Section 1, sub (2). Does this mean that both positive and negative HIV tests will continue to be subject to the strict standards of confidentiality established in last year's bill?"

Senator West: "Yes, Senator Niemi, I believe that it will. Both the positive and negative HIV tests will continue to be treated alike under the provisions of this bill."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5886.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Owen - 1.

Excused: Senators Barr, DeJarnatt, Hansen, Stratton, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5289 and the pending striking amendment by Senators Sutherland, Bauer and Warnke, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Substitute Senate Bill No. 5289 is a measure establishing six regional fisheries enhancement groups.

The amendment proposed by Senators Sutherland, Bauer and Warnke, adds a statutory mandate to the Department of Fisheries to prioritize recreational fisheries over commercial fisheries, changes the management of certain food fish and places emphasis on propagation of wild fish.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The striking amendment by Senators Sutherland, Bauer and Warnke to Substitute Senate Bill No. 5289 was ruled out of order.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5289 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Anderson, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5289.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Thorsness, von Reichbauer, Warnke, West, Wojahn - 35.

Voting nay: Senators Bauer, Fleming, Madsen, Niemi, Smith, Sutherland, Talmadge, Williams - 8.

Excused: Senators Barr, DeJarnatt, Hansen, Hayner, Stratton, Vognild - 6.

SUBSTITUTE SENATE BILL NO. 5289, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

SENATE BILL NO. 5516, by Senators Wojahn, Warnke, Johnson, Niemi, Bauer, Rasmussen and West

Regarding the disabilities land trust.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5516 was substituted for Senate Bill No. 5516 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendments were considered simultaneously and were adopted:

On page 2, line 13, after "(1)" insert "By December 15, 1989."

On page 2, line 24, after "(3)" insert "On July 1, 1990."

## MOTIONS

On motion of Senator Wojahn, the following amendment was adopted:

On page 2, line 33, after "trust" strike "income" and insert "principal"

On motion of Senator West, the following amendment was adopted:

On page 3, line 10, after "RCW." add a new subsection to read as follows:

"(7) No land or other capital assets described in this section may be sold, given, traded, or encumbered for any period of time beyond June 30, 1991, unless such sale, gift, trade, or encumbrance is specifically authorized by the legislature: PROVIDED, That trust lands acquired by grant at statehood for charitable, educational, penal, and reformatory institutions may be managed for the production of income and preservation or enhancement of asset value, including exchanges where at least equal value is secured to the trust."

## MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5516.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5516 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Sutherland, Taimadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Kreidler - 1.

Absent: Senator Sellar - 1.

Excused: Senators DeJarnatt, Stratton, Vognild - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5516, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5488, by Senators Barr, Hansen, Bauer, Conner, Sellar, DeJarnatt, Owen, Metcalf, Sutherland, Bailey, Gaspard, Madsen, Newhouse, Hayner, Rinehart, Smitherman, Benitz, Amondson, Anderson and Matson

Changing penalties and procedures for theft of livestock.

## MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5488 was substituted for Senate Bill No. 5488 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5488.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5298, by Senators Craswell and Bauer

Clarifying qualifications for persons assessing real property.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5298 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5298.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5298 and the bill passed the Senate by the following Yeas, 43; nays, 1; absent, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Moore - 1.

Absent: Senators Barr, Hansen, Hayner - 3.

Excused: Senators DeJarnatt, Stratton - 2.

SENATE BILL NO. 5298, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5855, by Senators Anderson, Metcalf, Owen, Rasmussen and Newhouse

Revising provisions for the state environmental policy act.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5855 was substituted for Senate Bill No. 5855 and the substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 4, chapter 117, Laws of 1983 and RCW 43.21C.075 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement), consistent with any state statutory requirements for appeals to local legislative bodies. The appeal proceeding on a determination of significance/nonsignificance may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) by providing for simultaneous appeal of an agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the threshold determination appeal as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this paragraph; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). This section does not modify any such time periods. This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within thirty days. The agency shall give official notice stating the date and place for commencing an appeal. If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.

(b) A notice of action under RCW 43.21C.080 may be used. If a notice of action is used, judicial appeals shall be commenced within the time period specified by RCW 43.21C.080, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period.

(d)(a) Judicial review of an appeal decision made by an agency under RCW 43.21C.075(5) shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript

relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. The word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

(10) Whenever an appeal is filed, either administrative or judicial, the party filing the appeal shall provide to the hearings body, such information as may be requested by the presiding officer to establish standing to file an appeal under this chapter. No party shall have standing to appeal unless such party is an aggrieved person affected by the proposed action.

(11) Whenever an appeal, either administrative or judicial, is filed under this chapter and any parties to the appeal, including the project proponent whether or not named in the appeal, agree to settle the appeals issues prior to final disposition of the appeal by the hearings body, and by settlement agreement, withdraw the appeal, the settlement agreement shall meet the following criteria:

(a) All terms of the settlement agreement shall be filed with the appellant body and shall be available to the public for review.

(b) Any term of agreement requiring mitigation of impacts caused by the proposed action shall be consistent with the jurisdiction's policies adopted pursuant to RCW 43.21C.060. All mitigation shall be directly attributable to the proposed action.

(c) No settlement agreement shall include the payment of any monetary compensation to any party other than a general purpose local government or state agency and the monetary compensation shall be pursuant to and shall comply with the provisions of RCW 82.02.020.

(12) No covenant agreed to for the purpose of preventing a formal appeal or for the withdrawal or dismissal of an appeal under this chapter, shall be enforceable against the owner of or tenant occupying real property, unless there is recorded with the county auditor of the county in which the real property is located an affidavit of awareness of the covenant by the owner or tenant signed at the time the real property was purchased, leased, rented, or occupied; and any person attempting to enforce any such covenant must produce a certified copy of the affidavit before attempting to enforce the covenant. Any covenant agreed to for the purpose of preventing a formal appeal or obtaining the dropping of an appeal under this chapter shall be enforceable only by the property owners subject to the covenant.

Sec. 2. Section 1, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.010 are each amended to read as follows:

The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) ~~((and))~~ to stimulate the health and welfare of man; ~~((and))~~ (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation; and (5) to ensure that environmental decisions are made for the public good and that state environmental policy is not used for private gain.

Sec. 3. Section 2, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.020 are each amended to read as follows:

(1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelationships of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all

practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) to create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(4) In order to effectively implement the procedures provided for in this chapter, and to maintain public support for those procedures, it is necessary to ensure that those procedures are used only in the public interest and not for private purpose or gain; and it is the responsibility of the state of Washington, its agencies, and political subdivisions to take such actions as necessary to prevent misuse of the state environmental policy and the procedures designed to implement that policy.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

#### POINT OF INQUIRY

Senator Williams: "Senator Anderson, in the section that relates to who has standing in filing an appeal, what would your description of an aggrieved person be? I'm particularly interested in whether it would mean community councils or community clubs or groups of people who live in an area and have formed some sort of an association representative generally of that area. Is that what you would conceive of as being an aggrieved person?"

Senator Anderson: "Senator Williams, not being an attorney, I cannot answer that. This was drawn up by an attorney that has worked with many cases, but for the environmental groups and for developers. Our original language was that the aggrieved party was directly related and was directly aggrieved. Aggrieved party in this case would be someone who has felt that they have a negative impact because of a project. It could be a group; it could be a person."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Anderson to Substitute Senate Bill No. 5855.

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

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "appeals," strike the remainder of the title and insert "amending RCW 43.21C.075, 43.21C.010, and 43.21C.020; and declaring an emergency."

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5855 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Metcalf: "Senator Anderson, Section 11 establishes that no party shall have standing to an administrative or judicial appeal unless that party is an aggrieved party directly affected by the proposed action. Is this a change from the current law?"

Senator Anderson: "No, Senator Metcalf, the Washington State Supreme Court has determined in a number of cases such as *S.A.V.E. v. Bothel* that to bring an appeal under SEPA the appellant must be an aggrieved party. The intent of Section 11 is merely to codify this requirement and to clarify that the same standing requirement is applicable in administrative as well as judicial appeals. When a county provides an optional administrative SEPA appeal proceeding, aggrieved parties who would otherwise be limited to filing SEPA appeals in court, are first provided an administrative proceeding. It was never the intent of SEPA to allow just any person to file administrative appeals. Section 11 simply clarifies this intent."

Further debate ensued.

## MOTION

On motion of Senator Vognild, the following remarks by Senator Niemi were to be included in the Journal.

## REMARKS BY NIEMI

Senator Niemi: "Thank you, Mr. President. I'd like to clear up a problem, I think, with the colloquy which we just heard between Senator Metcalf and Senator Anderson. This amendment of Senator Anderson's takes out the word, 'directly,' and it makes a big change. If we pass this bill, and a court has to look at the colloquy, I think it should be perfectly clear that 'directly' is not in the amendment and is not intended to be in the bill, as amended."

Further debate ensued.

## POINT OF INQUIRY

Senator Williams: "Senator Anderson, I asked you earlier what an 'aggrieved person' meant and also you had the question and answer session between you and Senator Metcalf. Basically, as I heard you say, there was no intent to change present practice except to restrict those abuses that were talked about. I guess my question is to you, as the maker of the amendment, is it your intention that the community groups that today have the appeal process under SEPA and so forth, is it your intention that legitimate community councils, community groups, and so forth, in any way be impacted by this amendment?"

Senator Anderson: "Senator Williams, the wording that I have is 'aggrieved party,'—I'm looking at 'aggrieved party,' not 'aggrieved person.'"

Senator Williams: "I understand what you're just saying, but I guess I'm asking what your intention behind the wording is. Is it your intention to affect community groups' standing as they exist today?"

Senator Anderson: "Not if they're aggrieved by the action."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5855.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5855 and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, von Reichbauer, Warnke, West - 37.

Voting nay: Senators Fleming, Gaspard, Kreidler, Lee, Niemi, Rinehart, Taimadge, Vognild, Williams, Wojahn - 10.

Excused: Senators DeJarnatt, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5855, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5372, by Senators Bluechel, Moore, Nelson, Conner, Owen and Talmadge

Revising laws concerning recreational boating.

#### MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5372 was substituted for Senate Bill No. 5372 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Second Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5372.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Stratton - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5091, by Senator Rasmussen

Allowing prepayment of state portion of property taxes.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5091 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5091.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

SENATE BILL NO. 5091, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5232, by Senators Bender, McMullen and Lee

Establishing the office of capital projects.



The bill was read the second time.

#### MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

On page 3, after line 10, insert the following:

\*NEW SECTION, Sec. 7. The legislative budget committee shall, by January 1, 1992, conduct analyses of the operations of the capitol projects program. The analyses shall provide information on any costs to the state resulting from the operation of the program as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to the program.

The analysis shall include a review of: The number of firms assisted; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm as a result of the programs assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by firms assisted by the program; and sales volume trends for each firm assisted by the program."

Re-number remaining sections consecutively and correct internal references accordingly.

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5232.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232 and the bill passed the Senate by the following Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

ENGROSSED SENATE BILL NO. 5232, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5734, by Senators von Reichbauer, Gaspard, Johnson, Wojahn, Madsen, Smitherman and Rasmussen (by request of Department of Community Development)

Settling the Puyallup tribe of Indians claims.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the following Committee on Ways and Means amendments were considered simultaneously and were adopted:

On page 2, line 11, after "settlement," insert "The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under section this section."

On page 3, line 10, after "settlement," insert "The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under section this section."

Debate ensued.

#### MOTION

On motion of Senator Nelson, further consideration of Senate Bill No. 5734 was deferred.

## SECOND READING

SENATE BILL NO. 5948, by Senators Benitz, Williams, Stratton, Sutherland, Owen, Nelson, Bluechel and Pullen

Extending the period for conservation investments.

## MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 5948 was substituted for Senate Bill No. 5948 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 5948 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5948.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5948, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5903, by Senators Kreidler and Bauer

Providing nursing home care for medically fragile children.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5903.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5903, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5660, by Senators Niemi, Smith and Murray

Providing grants for child care resource and referral programs.

## MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5660 was substituted for Senate Bill No. 5660 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 5660 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5660.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5660 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Stratton - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5660, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5734, deferred on second reading earlier today after two Committee on Ways and Means amendments on page 2, line 11, and page 3, line 10, were adopted.

## MOTION

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

On page 3, after line 10, insert the following:

\*NEW SECTION. Sec. 4. A new section is added to chapter 43.10 RCW to read as follows:

The attorney general shall appear for and represent individual non-Indian owners of owner-occupied residential real estate before the courts of the state, state and federal, in all cases in which individual tribal members of a tribe signatory to a land settlement agreement with the state of Washington has instituted actions or proceedings raising claims of Indian title for lands located within the properties comprising the settlement agreement."

Debate ensued.

## POINT OF INQUIRY

Senator Warnke: "Senator Rasmussen, I understand the amendment to be within the land settlement--any non-Indian that has a claim filed will be defended."

Senator Rasmussen: "By anybody subject to the title agreement, yes, within the--"

Senator Warnke: "What about an Indian who may own property within the claim settlement and is not a member of the signatory tribe?"

Senator Rasmussen: "I don't think that makes any difference. The agreement is within the area."

Senator Warnke: "No, it says, 'an individual non-Indian,' so if you're a Mohawk, living in the settlement area of the Puyallups and you're not a signatory to Washington State, you wouldn't be defended by the Attorney General."

Senator Rasmussen: "I think, Senator Warnke, that you would realize this agreement is with the Puyallup Tribe. It doesn't concern the Mohawk, Nez Perce, Duwamish, or any of the others."

Senator Warnke: "You're absolutely right, Senator, and that's exactly why I raised the question. The Mohawk, or the Assiniboines, or the Sioux are not portions of this, but they may own a piece of residential land within this settlement and with this amendment, they would not be defended by the Attorney General, but the non-Indian living next door to them, would be."

Senator Rasmussen: "They wouldn't institute a suit, Senator Warnke. If they did, I'd defend them myself."

Further debate ensued.

#### MOTION

On motion of Senator Fleming, the following amendment to the amendment by Senators Rasmussen and Gaspard was adopted:

On line 9 of the Senate Amendment by Senator Rasmussen after "individual" strike "non-Indian"

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment, as amended, by Senators Rasmussen and Gaspard on page 3, after line 10, to Senate Bill No. 5734.

The motion by Senator Rasmussen failed and the amendment, as amended, was not adopted.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5734 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5734.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5734 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Patterson, Pullen - 3.

Absent: Senator Metcalf - 1.

Excused: Senators DeJarnatt, Stratton - 2.

ENGROSSED SENATE BILL NO. 5734, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5027, by Senators Smith, Smitherman, Saling, Warnke and Sutherland

Changing the definition of "service" for PERS.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment by Senators Vognild and Johnson be adopted:

On page 9, following line 21, add a new section to read as follows:

**\*NEW SECTION.** Sec. 2. Any person employed by any labor guild, association or organization who had continuous employment from July, 1979, through December, 1988, and who had regular deductions taken as contributions to the retirement system established under chapter 41.40 RCW for at least eight consecutive years for the same labor guild, association or organization shall be allowed to establish membership retroactive to the first day of such employment in an eligible position and receive service credit for the period in which contributions were made."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Johnson on page 9, following line 21, to Substitute Senate Bill No. 5027.

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

#### MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" delete "and" and after "41.40.010" insert "; and creating a new section"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5027.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Barr - 1.

Excused: Senators DeJarnatt, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5027, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:04 p.m., on motion of Senator Newhouse, the Senate recessed until 6:35 p.m.

The Senate was called to order at 6:41 by President Pro Tempore Bluechel.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Anderson, Lee and Matson

Creating joint select committee on group self-insurance.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8407.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8407 and the concurrent resolution failed to pass the Senate by the following vote: Yeas, 23; nays, 22; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Sellar, Smith, Thorsness, von Reichbauer, West, Williams - 23.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, Matson, McMullen, Moore, Murray, Niemi, Pullen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Wojahn - 22.

Absent: Senators Nelson, Saling - 2.

Excused: Senators DeJarnatt, Stratton - 2.

SENATE CONCURRENT RESOLUTION NO. 8407, having failed to receive the constitutional majority was declared lost.

#### SECOND READING

SENATE BILL NO. 5615, by Senators Bailey, Rinehart, Pullen and Saling

Changing provisions relating to early entrance programs at the University of Washington.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5615 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5615.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Nelson, Saling - 2.

Excused: Senators DeJarnatt, Stratton - 2.

SENATE BILL NO. 5615, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5021, by Senator Kreidler

Establishing a health education program on fats and cholesterol.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5021 was substituted for Senate Bill No. 5021 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved that the following amendment by Senators Rinehart and Saling be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The legislature finds that chronic heart disease and cancer take the lives of many Washington citizens each year. The surgeon general of the United States has determined that extensive and conclusive scientific research indicates diets high in saturated fats and total fats places one at an increased risk for these diseases. Additionally, a diet high in cholesterol places one at risk for cardiovascular disease. The American diet for both children and adults is typically high in both cholesterol and fat. Reductions in the consumption of total fats will reduce the risk of chronic heart disease and certain cancers, while a reduction in cholesterol will reduce the risk of heart disease.

The legislature further finds that many citizens are becoming aware of the importance of good diet to good health. The legislature further recognizes the necessity of good health habits and that good health habits such as diet and exercise are interrelated. Public awareness through education beginning with our youngest citizens and continuing through adulthood is one of the most effective ways to promote good health habits including but not limited to good diet and proper nutrition.

At the same time people are becoming aware of the importance of good diets, they are also increasingly choosing to eat meals outside the home in restaurants. Both adults and children eat an increasing number of meals outside the home. Many marketing techniques are aimed specifically at children. It is difficult to identify foods with low fat and cholesterol content, since most restaurants and school cafeterias do not provide such information. A program to encourage good health includes encouraging restaurants and school cafeterias to voluntarily disclose information that would help citizens select foods low in fat and cholesterol when eating outside the home.

The legislature recognizes that habits learned as children are difficult to change as adults. A program designed to teach the benefits of lifelong health habits will create healthier citizens.

**NEW SECTION.** Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

As used in section 3 through 5 of this act, "department" means the department of social and health services, or the department of health if created by the legislature. "Secretary" means the secretary of the department of social and health services, or the director of the department of health if the department of health is created by the legislature.

**NEW SECTION.** Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall establish programs to promote education of the public about good health habits including the reduction of high fat and high cholesterol foods in the diet. The Washington healthy families program is established. One project within the program shall be known as the "Washington low fat and cholesterol awareness program" and promote increased awareness of the content of fat and cholesterol in foods served in restaurants. Another project within the program shall be known as the "Washington healthy kids project" and shall promote health habits in children that will help teach school age children good health habits that will help them become healthy adults.

**NEW SECTION.** Sec. 4. A new section is added to chapter 43.20A RCW to read as follows:

(1) In order to reduce the administrative costs associated with design of the Washington low fat and cholesterol awareness project, the secretary shall work with an institute of higher education to allow students in an appropriate graduate training program to design the project at no cost to the state. The ongoing operation of the project shall be the responsibility of the department.

(3) Participating restaurants and school cafeterias shall indicate which foods meet accepted levels of fat and cholesterol by designating the project symbol on the menu by the food item. The restaurant or school cafeteria may also advertise itself as a participating restaurant or school cafeteria, if it meets the standards or criteria established by the department.

(4) Participation in the project is voluntary.

(5) The department shall:

(a) Work with the restaurant association, the cancer society, the heart association, the superintendent of public instruction, and other organizations and agencies to promote participation in the project, including identification of participating restaurants and school cafeterias;

(b) Identify acceptable fat and cholesterol standards or criteria;

(c) Establish procedures for restaurants and school cafeterias to participate in the program, including analysis of menu items and food preparation practices for fat and cholesterol content, differing levels of fat and cholesterol for children and adults, and develop a display format for the program symbol and other nutritional information on restaurant and school cafeteria menus;

(d) Disseminate educational information to participating restaurants and school cafeterias concerning fat and cholesterol in food;

(e) Design a project logo; and

(f) Pursue other activities necessary to implement the project.

**NEW SECTION.** Sec. 5. A new section is added to chapter 43.20A RCW to read as follows:

(1) The Washington healthy kids project shall be conducted by the department in conjunction with the superintendent of public instruction. The project shall provide for every student enrolled in kindergarten through twelfth grade in a public school in this state to receive health education appropriate to each grade level under a health education plan established by the local school district under subsection (2) of this act.

(2) Every school district shall develop a written health education plan for implementation beginning with the 1992-93 school year. The development of plans may be coordinated by educational service districts. The plan shall be designed to provide an appropriate health education program for every student in the school district. The plan shall provide for:

(a) The coordination and integration of the provision of health education programs including, but not limited to:

(i) Instruction in nutrition which includes information about the necessary diet for adequate growth and disease prevention, meal planning, and how to choose meals with low fat and cholesterol content in restaurants and school cafeterias;

(ii) The primary prevention program for child abuse and neglect under RCW 26A.03.514;

(iii) Instruction in physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics on the human system, under RCW 28A.05.010;

(iv) Instruction in the minimum requisites for good health, including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, under RCW 28A.05.010;

(v) AIDS prevention education under RCW 28A.05.055;

(vi) Instruction in health, physical education, and home and family life as part of instruction in work skills under RCW 28A.58.754;

(vii) The substance abuse awareness program under RCW 28A.120.030 through 28A.120.050; and

(viii) Parenting education including, but not limited to, information about the decision-making process regarding becoming a parent and about human development and reproduction.

(b) A definition of health education including, but not limited to, the elements in (a) of this subsection.

(c) The development of health curriculum that is sequential and appropriate for each grade level and review of the curriculum in conjunction with the instructional materials committee under RCW 28A.58.103. Model curriculum guidelines for health education programs developed by the office of the superintendent of public instruction under RCW 28A.03.425 shall be considered.

(d) The planned instructional time for health education programs at each grade level.

(e) Methods of involving health professionals, classroom teachers, parents, students, and members of the community, including the business community, in the planning and provision of a health education program.

(f) Methods of providing teachers and others, if appropriate, with the necessary training for health education instruction.

(g) Methods for assuring that teachers providing health education instruction have the necessary training.

(h) Methods for assessing the effectiveness of the health education program, including the goal-setting provisions of RCW 28A.58.094 and the self-study provisions of RCW 28A.58.085.

**NEW SECTION, Sec. 6.** A new section is added to chapter 43.20A RCW to read as follows:

The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person and may make use of these receipts as grants to organizations other than the department involved in implementation of the healthy families program."

#### POINT OF ORDER

Senator West: "Mr. President, I would raise the issue of point of order. I would raise the issue of scope and object on this. The underlying bill, the original bill, deals with cholesterol and fat. The amendment deals with school base programs. It talks about AIDS education. It talks about substance abuse. It talks about physical exercise, which some of us could use, and it's a good bill--a good idea--but it doesn't fit this title and so I'd like the President to rule on scope and object."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5021 was deferred.

#### MOTION

On motion of Senator Anderson, Senator Saling was excused.

#### SECOND READING

SENATE BILL NO. 5117, by Senators Barr, Hansen, Gaspard, Anderson, Bailey, Newhouse, Amondson and Benitz

Limiting liability of u-pick operations.

#### MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5117 was substituted for Senate Bill No. 5117 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5117 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5117.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5117 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen,



Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Voting nay: Senators Bender, Fleming, Moore, Murray, Niemi, Talmadge, Wojahn - 7.

Excused: Senators DeJarnatt, Saling, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 5117, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Matson served notice that he would moved to reconsider the vote by which Senate Concurrent Resolution No. 8407 failed to pass the Senate earlier today.

#### SECOND READING

SENATE BILL NO. 5789, by Senators Owen, Stratton, Bender and Rasmussen

Providing additional factors to be considered when reviewing permanent parenting plans.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5789 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5789.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Saling, Stratton - 3.

SENATE BILL NO. 5789, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6009, by Senators Owen, Nelson, Warnke, Moore and Smith

Pertaining to custodial interference.

#### MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6009.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf,

Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 34.

Voting nay: Senators Fleming, Hansen, Hayner, Kreidler, Lee, McMullen, Moore, Murray, Niemi, Rinehart, Talmadge, Williams, Wojahn - 13.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 6009, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8210, by Senators Barr, Talmadge, Hansen, Benitz and Williams

Modifying the Constitution to allow for entities engaged in water sale or distribution to undertake conservation.

The joint resolution was read the second time.

#### MOTION

On motion of Senator Barr, the rules were suspended, Senate Joint Resolution No. 8210 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8210.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8210 and the joint resolution passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators DeJarnatt, Stratton - 2.

SENATE JOINT RESOLUTION NO. 8210, having received the constitutional majority was declared passed.

#### SECOND READING

SENATE BILL NO. 6013, by Senators Bluechel, Talmadge, Fleming, Conner and McDonald

Regulating capacity charges imposed by a metropolitan municipal corporation.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6013 was substituted for Senate Bill No. 6013 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment by Senator Sutherland be adopted:

On page 2, beginning on line 1, strike all of subsection (3) and renumber the remaining subsections consecutively

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 2, beginning on line 1, to Substitute Senate Bill No. 6013.

The motion by Senator Vognild failed and the amendment by Senator Sutherland was not adopted.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6013 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## PERSONAL PRIVILEGE

Senator Sutherland: "Thank you, Mr. President, a point of personal privilege. Also, speaking in favor of the measure and encouraging your support, I just wanted a point of personal privilege for just a second. I was real pleased to see that Senator West was not on the floor during that last amendment. Now that I'd made it past the project of not having it scoped, my next accomplishment will be to get one hung. Thank you, Mr. President."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6013.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West - 36.

Voting nay: Senators Bauer, Bender, Hansen, Lee, Patterson, Pullen, Rasmussen, Sellar, Vognild, Williams, Wojahn - 11.

Excused: Senators DeJarnatt, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 6013, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

## MOTION

Senator Vognild moved that Senate Bill No. 6045, which was on the second reading calendar, not be considered at this time.

## MOTION

At 7:40 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Tuesday, March 14, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SIXTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 14, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Fleming, Hansen, McCaslin and Patterson. On motion of Senator Anderson, Senator Patterson was excused. On motion of Senator Williams, Senator DeJarnatt was excused.

The Sergeant at Arms Color Guard, consisting of Pages Tricia Morrison and David Parker, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 10, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4408, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 10, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1026.

SUBSTITUTE HOUSE BILL NO. 1031,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074,

SUBSTITUTE HOUSE BILL NO. 1136,

HOUSE BILL NO. 1239,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1324,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,

SUBSTITUTE HOUSE BILL NO. 1560,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643,

ENGROSSED HOUSE BILL NO. 1645,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1663,

ENGROSSED HOUSE BILL NO. 1778,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,

ENGROSSED HOUSE BILL NO. 2168, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1026 by Representatives Spanel, R. King, S. Wilson, Haugen, Nelson, Brekke and K. Wilson (by request of Department of Fisheries)

Regulating sea urchin fishing.

Referred to Committee on Environment and Natural Resources.

SHB 1031 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Fuhrman, Sayan, Silver, Holland,

Heavey, Winsley and Betzoff) (by request of Legislative Budget Committee)

Making changes to state budget requests.

Referred to Committee on Ways and Means.

ESHB 1074 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Haugen, Walker, Winsley, Leonard, Cole, Hankins, S. Wilson, Ferguson, Nutley, Scott, Belcher, Anderson, Basich, Dellwo, Spanel, Braddock, Brough, Horn, Todd, Nelson, Brække, Rector, Appelwick, Hine, Heavey, Baugher, Kremen, Cooper, Zellinsky, K. Wilson, Wood, Rayburn, Jesernig, Jacobsen, R. Fisher, R. King, Rust, Pruitt, Wang, Grant, Jones, Moyer, Cantwell, Locke, Inslee, H. Myers, G. Fisher, Morris, Patrick, Miller, Wolfe, O'Brien, Rasmussen, Walk, May, Doty, Phillips, Betzoff and Ballard)

Requiring health insurance to cover mammograms.

Referred to Committee on Financial Institutions and Insurance.

SHB 1136 by Committee on Judiciary (originally sponsored by Representatives R. Meyers, Winsley, Wang, Ebersole, Pruitt, Walker, R. Fisher, Dorn, Tate and Walk)

Creating superior court judge positions in Pierce county.

Referred to Committee on Law and Justice.

HB 1239 by Representatives P. King, Schmidt and Scott

Exempting qualified pension plans from the state usury statute.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1324 by Committee on Health Care (originally sponsored by Representatives Brooks, Valle, Pruitt, Braddock, Hankins, Betzoff, Kremen, Beck, Wood, Dellwo, Bowman, Haugen, Winsley, Brække, Walker, Horn, Nelson, Moyer, Fraser, D. Sommers, Van Luven, Cooper, R. Meyers, Jesernig, Miller, May, Rust, Sprenkle, Brumsickle, Grant, Cole, Chandler, Prince, Holland, Doty, Silver, Belcher, Scott, Rasmussen, Hine, Baugher, Dorn, Walk, Rayburn, Gallagher, Schoon, Sayan, Heavey, Vekich, Patrick, Fuhrman, Leonard, Bristow, Schmidt, Morris, Jones, Basich, R. Fisher, Wineberry, Todd, Prentice, Nealey, Ferguson, McLean, R. King, P. King, Wolfe, Nutley, K. Wilson, Cantwell, Brough, Anderson, Smith, Hargrove, Day, Crane, Rector, G. Fisher, Appelwick, H. Myers, Ebersole, Inslee, Spanel and Tate) (by request of Governor Gardner)

Creating a department of health.

Referred to Committee on Health Care and Corrections.

ESHB 1496 by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, D. Sommers, Braddock, Prentice, Sprenkle, Anderson, May, Beck and P. King)

Regulating residential care facilities.

Referred to Committee on Health Care and Corrections.

SHB 1560 by Committee on Health Care (originally sponsored by Representative Braddock) (by request of Department of Social and Health Services)

Making changes to medical care provisions.

Referred to Committee on Health Care and Corrections.

ESHB 1643 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Inslee, Miller, R. King, P. King, Dorn, Cole,

Wineberry, Belcher, Dellwo, Leonard, Heavey, Crane, R. Meyers, K. Wilson, Wolfe, Rector, Prince, Brekke, Brough, Pruitt, Jacobsen, Fuhrman, Locke, Wang and Ferguson)

Changing provisions relating to prejudgment interest.

Referred to Committee on Law and Justice.

EHB 1645 by Representatives Walk, Prince, Zellinsky, Ballard, R. Fisher, R. Meyers and Chandler

Regulating the relationship between motor vehicle dealers and manufacturers.

Referred to Committee on Transportation.

ESHB 1663 by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Leonard, Ballard, Anderson, Jacobsen, Locke, O'Brien, Prentice, Sayan, Wineberry, Ebersole, Brekke, Rust, Nelson and Rector)

Enacting the farmworker housing act.

Referred to Committee on Economic Development and Labor.

EHB 1778 by Representatives Holland, Wang, Horn, Morris, Silver, Hine, Brumsickle, Prince, Van Luven, H. Sommers, Fuhrman, Jacobsen, Locke, Bowman, Ferguson, Rector, Youngsman, May, Schoon and Hargrove

Modifying tax status of trade shows and other convention-oriented events.

Referred to Committee on Ways and Means.

ESHB 1864 by Committee on Health Care (originally sponsored by Representatives Day, Brooks, Braddock, D. Sommers, R. Meyers, Sprenkle, Cantwell, Morris, Scott, Wolfe, Vekich, Patrick, Chandler, Crane, Winsley, Dellwo, Brough, Wineberry, P. King, S. Wilson, Bowman, Kremen, Dorn, Schoon, Van Luven, Wood, R. King, Cooper, Doty, Todd, McLean and O'Brien)

Concerning quality of care in nursing homes.

Referred to Committee on Health Care and Corrections.

ESHB 1968 by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Day, Cantwell, Leonard, Prentice, Bristow, Brekke, Vekich, Kremen, Valle, Raiter, D. Sommers, Morris, Sprenkle, Ebersole, Wineberry, H. Sommers, Cole, Hine, Basich, Anderson, Van Luven, Dellwo, Todd, Winsley, Sayan, Cooper, R. King, Crane, Rector, Brough, Zellinsky, Phillips, Pruitt, O'Brien, Nelson, Spanel, G. Fisher, Rasmussen, H. Myers and Fraser)

Establishing a plan for long-term care services.

Referred to Committee on Health Care and Corrections.

ESHB 2137 by Committee on Trade and Economic Development (originally sponsored by Representatives Cantwell, Moyer, Rasmussen and Walk)

Establishing targeted sectors for economic development.

Referred to Committee on Economic Development and Labor.

EHB 2168 by Representatives Nelson, Hankins, Jesernig, Raiter, Miller, May, Rust, Inslee, Valle and Spanel

Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components.

Referred to Committee on Energy and Utilities.

HCR 4408 by Representatives Cantwell, Moyer, Wineberry, P. King, Nelson, Rasmussen and Walk

Recommending adoption of the Washington State Economic Development Board reports by the legislature.

Referred to Committee on Economic Development and Labor.

#### MOTION

On motion of Senator Anderson, Senator Matson was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator McDonald, Gubernatorial Appointment No. 9071, Margaret T. Stanley, as Administrator of the Washington State Health Care Authority, was confirmed.

#### APPOINTMENT OF MARGARET T. STANLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Bender, Fleming, Hansen, McCaslin - 4.

Excused: Senators DeJarnatt, Matson, Patterson - 3.

#### MOTION

On motion of Senator Bauer, Senators Bender, Fleming and Moore were excused.

#### SECOND READING

SENATE BILL NO. 5375, by Senators Pullen, Talmadge, Owen, McMullen, Thorsness, Madsen, Sutherland, Gaspard and Benitz

Establishing a DNA identification system.

#### MOTIONS

On motion of Senator Pullen, Second Substitute Senate Bill No. 5375 was substituted for Senate Bill No. 5375 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Second Substitute Senate Bill No. 5375 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 40; absent, 3; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 40.

Absent: Senators McDonald, Sellar, Warnke - 3.

Excused: Senators Bender, DeJarnatt, Fleming, Matson, Moore, Patterson - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5375, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5002, by Senators Lee, McMullen and Conner

Establishing the international policy advisory council.

## MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5002 was substituted for Senate Bill No. 5002 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Second Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5002.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Patterson - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5023, by Senators Benitz and Williams (by request of Washington Utilities and Transportation Commission)

Revising provisions for proposed tariff changes.

The bill was read the second time.

## MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5023 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5023.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5023 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Patterson - 4.

SENATE BILL NO. 5023, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5073, by Senators Pullen and Talmadge

Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias.



## MOTIONS

On motion of Senator Pullen, Second Substitute Senate Bill No. 5073 was substituted for Senate Bill No. 5073 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Second Substitute Senate Bill No. 5073 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5073.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5073 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Patterson - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5073, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5116, by Senators Barr, Hansen, Anderson and Bailey

Prohibiting animals at large.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5116 was substituted for Senate Bill No. 5116 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5116 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

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

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5116 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators McMullen, Vognild - 2.

Excused: Senators DeJarnatt, Matson, Patterson - 3.

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

## SECOND READING

SENATE BILL NO. 5129, by Senators McCaslin and Rasmussen

Limiting the authority of the state board of health or a local board of health to prohibit on-site sewage systems.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5129 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5129.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5129 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Voting nay: Senators Kreidler, Murray, Niemi, Rinehart, Smitherman, Talmadge, Wojahn - 7.

Excused: Senators DeJarnatt, Matson, Patterson - 3.

SENATE BILL NO. 5129, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5131, by Senator McCaslin

Providing a limitation on the raising of local improvement district assessments.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5131 was substituted for Senate Bill No. 5131 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5131 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5131.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Smith, Vognild - 2.

Excused: Senators DeJarnatt, Matson, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Vognild was excused.

## SECOND READING

SENATE BILL NO. 5134, by Senator McCaslin

Revising procedures for assessment of special benefits to property.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5134 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5134.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5134 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Niemi, Rinehart, Talmadge - 3.

Absent: Senator Neilson - 1.

Excused: Senators DeJarnatt, Matson, Patterson, Vognd - 4.

SENATE BILL NO. 5134, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5135, by Senators McCaslin and Rasmussen

Limiting the authority of a board of health or health department to require property owners to participate in a local improvement district in order to obtain on-site sewage system permits.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5135.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Rinehart, Talmadge - 2.

Excused: Senators DeJarnatt, Matson, Vognd - 3.

SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5149, by Senators von Reichbauer, Talmadge and Patterson

Increasing student transportation safety.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5149 was substituted for Senate Bill No. 5149 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Conner, the following amendment was adopted:  
On page 1, line 9, after "roadway" insert "or on or off of state route number 101"

Senator Conner moved that the following amendment be adopted:

On page 3, after line 8, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 28A.58 RCW to read as follows:

Within the boundaries of any city or town, any elementary school within one city block of a state highway shall employ and compensate adult school-crossing guards to adequately protect lower elementary school students who must cross the state highway on foot."

#### POINT OF ORDER

Senator von Reichbauer: "Mr. President, I rise to challenge the scope and object of the amendment on page 3, after line 8, to Substitute Senate Bill No. 5149."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5149 was deferred.

#### SECOND READING

SENATE BILL NO. 5173, by Senators McCaslin, Thorsness, DeJarnatt, Hayner and Vognild (by request of State Auditor)

Relating to disclosure of improper governmental action.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5173 was substituted for Senate Bill No. 5173 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5173 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5173.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Matson - 2.

SUBSTITUTE SENATE BILL NO. 5173, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5174, by Senators Benitz, Williams and Madsen (by request of Washington State Energy Office)

Furthering the state hydropower plan.

#### MOTIONS

On motion of Senator Benitz, Second Substitute Senate Bill No. 5174 was substituted for Senate Bill No. 5174 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Second Substitute Senate Bill No. 5174 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5174.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Rinehart, Stratton - 2.

Absent: Senator Vogndild - 1.

Excused: Senators DeJarnatt, Matson - 2.

SECOND SUBSTITTUTE SENATE BILL NO. 5174, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5183, by Senators von Reichbauer, Talmadge, Patterson, DeJarnatt and Lee

Enhancing pedestrian safety.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5183.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Matson - 2.

SENATE BILL NO. 5183, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5197, by Senators Pullen, Talmadge, Nelson, Rasmussen and Warnke (by request of Governor Gardner)

Broadening the definition of executive state officer.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5197 was substituted for Senate Bill No. 5197 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 3, line 6, after "blind," insert "the public printer,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 3, line 6, to Substitute Senate Bill No. 5197.

The motion by Senator Talmadge failed and the amendment was not adopted.

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 3, line 32, after "investment board," insert "community economic revitalization board."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 3, line 32, to Substitute Senate Bill No. 5197.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5197 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5197.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Hayner - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5197, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. Senator Nelson yelled over and said, 'They don't recognize you, Bob.' I did wash my face this morning, but I am attempting to cultivate a beard for the centennial up here, so if you'll tell the folks back home I still wash, it's just that the beard is coming out. It's real nice to have folks all the way from the east side of the mountains come over. We do have wonderful people there. It's a fine church and a fine school and thank you very much for coming over."

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

SENATE BILL NO. 5222, by Senators Saling, Gaspard, Smitherman, Patterson, Bauer, Stratton, Lee and West

Repealing the termination of the loan program for mathematics and science teachers.

The bill was read the second time.

## MOTION

On motion of Senator Saling, the rules were suspended, Senate Bill No. 5222 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5222.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Hansen, Lee, Moore, Murray, Niemi - 5.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5222, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5021 and the pending striking amendment by Senators Rinehart and Saling, deferred March 13, 1989.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator West, the President finds that Substitute Senate Bill No. 5021 is a measure establishing a health education program on fats and cholesterol involving several projects developed by the Department of Social and Health Services and an institute of higher education.

"The amendment proposed by Senators Rinehart and Saling, adds to the fats and cholesterol program, a comprehensive health education program in the public schools.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The striking amendment by Senators Rinehart and Saling to Substitute Senate Bill No. 5021 was ruled out of order.

## MOTION

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5021 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5021.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5021 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5021, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Amondson was excused.

## SECOND READING

SENATE BILL NO. 5268, by Senators Benitz, Saling, Hayner, Warnke, Owen, Smith, Smitherman, Amondson, Stratton, Matson, Nelson, Craswell, Sellar, Sutherland, Madsen, Johnson and von Reichbauer

Providing for the expenditure surcharges assessed on radioactive waste disposal.

## MOTIONS

On motion of Senator Benitz, Second Substitute Senate Bill No. 5268 was substituted for Senate Bill No. 5268 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the rules were suspended, Second Substitute Senate Bill No. 5268 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5268.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Gaspard, Hansen, Sellar - 3.

Excused: Senators Amondson, DeJarnatt - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5268, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5307, by Senators Anderson, McMullen and Moore

Creating additional requirements for contractor advertising.

## MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5307 was substituted for Senate Bill No. 5307 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5307.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer, West, Williams - 35.

Voting nay: Senators Bauer, Bender, Fleming, Kreidler, Murray, Niemi, Sutherland, Talmadge, Vognlid, Warnke, Wojahn - 11.

Absent: Senators Hansen, Moore - 2.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5307, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5312, by Senators Bailey, Metcalf, Rinehart and Lee

Revising grade level certification requirements for teachers.

The bill was read the second time.



## MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5312.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Absent: Senators McDonald, West - 2.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5312, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Owen was excused.

## SECOND READING

SENATE BILL NO. 5374, by Senators Cantu, Kreidler, Barr and Stratton (by request of Department of Ecology)

Authorizing issuance of public waste disposal general obligation bonds.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5374 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5374.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Owen - 2.

SENATE BILL NO. 5374, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

## SECOND READING

SENATE BILL NO. 5420, by Senators Patterson, Bender, DeJarnatt, Rasmussen and West

Authorizing issuance of special license plates.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5420 was substituted for Senate Bill No. 5420 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5420 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bauer, Senator Rinehart was excused.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, this provision is for new license plates not retro-active to those that have already been approved by the Legislature?"

Senator Patterson: "No, not at all. This deals with all those requests that will be—in the future. The current authorizations are standing and will stand."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5420.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5420 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5420, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5149 and the pending amendment by Senator Conner on page 3, after line 8, deferred earlier today.

## RULING BY THE PRESIDENT.

President Pritchard: "In ruling upon the point of order raised by Senator von Reichbauer, the President finds that Substitute Senate Bill No. 5149 is a measure increasing student transportation safety and dealing with school bus warning lights and routes, traffic signals, adult crossing guards and limitations on parking near crosswalks.

"The amendment proposed by Senator Conner also increases student safety and deals with adult crossing guards in certain circumstances.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Conner on page 3, after line 8, to Substitute Senate Bill No. 5149 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conner on page 3, after line 8, to Substitute Senate Bill No. 5149.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Conner on page 3, after line 8, to Substitute Senate Bill No. 5149.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 29; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, McMullen, Moore, Owen, Rasmussen, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams - 18.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West, Wojahn - 29.

Excused: Senators DeJarnatt, Rinehart - 2.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5149 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5149.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:25 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:37 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5685, by Senators Newhouse and McMullen

Revising provisions for attorneys' fees in industrial insurance appeals.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5685 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5685.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5685 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Fleming, Hansen, Matson - 3.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5685, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5754, by Senators Anderson, Matson, Owen, Gaspard and Smitherman

Revising provisions for release of health care information under industrial insurance.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5754 was substituted for Senate Bill No. 5754 and the substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment be adopted:

On page 1, after line 28, insert the following:

"Sec. 2. Section 11, chapter 14, Laws of 1980 and RCW 51.32.110 are each amended to read as follows:

Any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the worker and as may be provided by the rules of the department. If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer (~~upon approval by the department~~) with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section. If the worker necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

The department or the self-insurer shall be entitled to reimbursement from the worker for the cost of any scheduled examination arranged by the department or the self-insurer that the worker fails to attend without good cause. Reimbursement may be offset against entitlement to benefits. Disputes concerning whether there was good cause for a worker's failure to attend an examination shall be determined on the application of either party by the director or the director's designee with no right of appeal.

If the medical examination required by this section causes the worker to be absent from his or her work without pay he or she shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended."

## POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the amendment by Senator Anderson expands the scope and object of Substitute Senate Bill No. 5754. Specifically, this is an act relating to the release of health care information under industrial insurance. I recognize that the title usually does not govern on scope and object, but the title is indicative of the fact that the object of the bill was only to deal with the question of physician-patient privilege and the waiver thereof in the principle bill.

"This amendment which deals with penalties under the Industrial Insurance Act is found in a different chapter of RCW title 51 and goes far beyond the original scope of the bill which was only to deal with this question of disclosure information. This is a penalty amendment and I believe it does expand the scope and object."

Debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5754 was deferred.

## SECOND READING

SENATE BILL NO. 5808, by Senators Lee, Matson, McMullen, Warnke and Vognilid

Authorizing the use of an irrevocable letter of credit by an employer choosing to self-insure under the industrial insurance act.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 24, after "credit" insert "issued by a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington"

On motion of Senator Anderson, the following amendment was adopted:

On page 2, after line 33, insert the following:

"Sec. 2. Section 51.44.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 312, Laws of 1983 and RCW 51.44.070 are each amended to read as follows:

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

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

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, ~~((or))~~ an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, or purchase an annuity, in an amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law. The department shall adopt rules governing assignments of account or annuities. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution, the institution authorized to provide annuities, or ~~((or))~~ the employer's business.

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

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

Any self-insured employer electing this alternative method of providing for payment to the beneficiary or beneficiaries shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.

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

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 2 of the title, after "51.14.020" insert "and 51.44.070"

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5808 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5808.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5808 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Meicall, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Owen - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5808, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6051, by Senators Anderson, Cantu, Stratton, Smith, Thorsness, McMullen, Wojahn, Lee and Bailey

Promoting employer involvement in the development of child care services and facilities.

#### MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6051 was substituted for Senate Bill No. 6051 and the second substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment by Senators Wojahn, Kreidler, Niemi, Talmadge, Smitherman and Murray be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that increasing the availability and affordability of quality child care will enhance the stability of the family and facilitate expanded economic prosperity in the state. The legislature finds that balancing work and family life is a critical concern for employers and employees. The dramatic increase in participation of women in the work force has resulted in a demand for quality, affordable child care exceeding the supply. The future of the state's work force depends in part upon the availability of quality, affordable child care. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and facilities are not located conveniently to work places and neighborhoods. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the work force to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state and its businesses.

The legislature further finds that making information on child care options available to businesses can help the market for child care adjust to the needs of businesses and working families and improve productivity, reduce absenteeism, improve recruitment, and improve morale among Washington's labor force. The legislature further finds that private and public partnerships and investments are necessary to increase the supply, affordability, and quality of child care in the state.

Sec. 2. Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, ((to the extent child care services are used;)) there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 3. Section 2, chapter 213, Laws of 1988 and RCW 74.13.090 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty members who shall include:

(a) One representative each from the department of social and health services, the department of community development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the ~~((governor's commission on children))~~ department of labor and industries;

(c) One representative from the department of trade and economic development;

(d) One representative from the department of revenue;

(e) One representative from the employment security department;

(f) At least one representative of family home child care providers and one representative of center care providers;

~~((f))~~ (g) At least one representative of early childhood development experts;

~~((f))~~ (h) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

~~((f))~~ (i) At least one parent education specialist;

~~((f))~~ (j) At least one representative of resource and referral programs;

~~((f))~~ (k) One pediatric or other health professional;

~~((f))~~ (l) At least one representative of college or university child care providers;

~~((f))~~ (m) At least one representative of a citizen group concerned with child care;

~~((f))~~ (n) At least one representative of a labor organization;

~~((m))~~ (o) At least one representative of a head start - early childhood education assistance program agency;

~~((m))~~ (p) At least one employer who provides child care assistance to employees;

~~((e))~~ (q) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member selection process. Staff support for the child care coordinating committee shall be provided within available resources by the department of social and health services on an ongoing basis. The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination, but not to review the substance of programs. ~~((The committee shall))~~

(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085(;;). Reports shall be provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:

~~((b))~~ (i) Review and propose changes to the child care subsidy system ~~((by December 1, 1989))~~ in its December 1989 report;

(ii) Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure;

(iii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings; and

(iv) Review and propose statutory and administrative changes to encourage employer involvement in child care and partnerships between employers and the public sector to increase the quantity, quality, and affordability of child care services and facilities in this state.

(c) Review ((agency)) department of social and health services administration of the child care expansion grant program described in RCW 74.13.095((:));

(d) ((Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure;

(e) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings; and

(f)) Review department of social and health services administration of the child care partnership program described in section 4 of this act.

(e) Review employer-assisted loan applications submitted under sections 6 through 8 of this act and make determinations on those applications.

(f) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The child care partnership program is established within the department of social and health services under the direction of the child care resource coordinator. The program shall encourage employer assistance and involvement in child care and foster partnerships between employers and the public sector to better meet the critical need for affordable, quality child care services in the state. In addition to the activities included in subsection (2) of this section, the program shall provide assistance to community-based child care resource and referral agencies to increase their capacity to provide quality technical assistance to employers in their community. To the greatest extent possible and consistent with the need to ensure the quality of assistance provided to employers, funds appropriated for the purposes of the child care partnership program shall be allocated to community-based child care resource and referral agencies to carry out the activities included in subsection (2) of this section.

(2) The program shall work with the assistance of, and in consultation with, the business assistance center established under RCW 43.31.085 and the child care coordinating committee, particularly the representatives of the department of trade and economic development, the department of labor and industries, and the department of revenue, and shall:

(a) Provide technical assistance to employers to enable them to support child care services or facilities. Such technical assistance shall include, but not be limited to: Assessment of the child care needs of employees and prospective employees; review of options available to employers interested in increasing access to child care for their employees; development of techniques to permit smaller employers to increase access to child care for their employees in a cost-effective manner; review of methods for evaluating the impact of child care activities on the employer; workplace personnel practices and policies, including flexible work schedules; alternate child care services systems; and contributions an employer may make to the recruiting and training of child care providers;

(b) Develop a list of firms and individuals with expertise in the field of employer involvement in child care and utilize such firms and individuals, as appropriate, in delivering technical assistance. The program shall make this information available to employers to whom it provides technical assistance;

(c) Provide assistance to community-based child care resource and referral programs to increase their capacity to provide quality technical assistance to employers in their community;

(d) Encourage local governments to create incentives for employer support for child care by providing information on such local government incentives in this state and other states;

(e) Review public and private child care programs with the purpose of enhancing communications and coordination among business, labor, public agencies, and child care providers in order to encourage employers to develop and implement child care for their employees;

(f) Evaluate the impact of workplace personnel practices and policies, including flexible work schedules, on the ability of parents to access or provide care for their children, and make recommendations to employers and the legislature in this regard;

(g) Review regulations regarding child care facilities and services for the purpose of identifying those which unnecessarily obstruct the provision of employee-assisted child care in the state, and make recommendations to the legislature in this regard;

(h) Work to make the partnership eligible for any federal funding which will benefit child care businesses, assist employers in assisting their employees in meeting their child care needs, and facilitate the development of child care as a strategy for economic development;

(i) Prepare, collect, and distribute current research and information on child care options for employers, including information on the existence, responsibilities, and capabilities of the partnership. As much as possible, and through interagency agreements where appropriate,



information should be included in routine communications to employers from: (i) The department of revenue, (ii) the department of labor and industries, (iii) the employment security department, (iv) the department of trade and economic development, (v) the small business development center, and (vi) the department of social and health services;

(j) Develop techniques to permit smaller businesses to increase access to child care for their employees in a cost-effective manner;

(k) Evaluate the impact of child care activities on the employer.

Sec. 5. Section 11, chapter 466, Laws of 1985 as amended by section 3, chapter 348, Laws of 1987 and RCW 43.31.085 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) Assist the child care partnership program established under section 4 of this act by:

(a) Consulting with the child care partnership program regarding effective means by which to prepare and disseminate child care information to employers;

(b) Disseminating publication and other written information developed by the child care partnership program to businesses requesting such information;

(c) Referring businesses seeking information regarding child care to the child care partnership program;

(d) Locating a representative of the child care partnership program in the offices of the business assistance center.

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

An employer-assisted child care loan fund is created and shall be administered by the partnership program established under section 4 of this act. Money in the fund shall be used solely for the purpose of starting or improving a child care facility under sections 6 through 8 of this act. Money may be deposited from private and public sources into this fund.

NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:

The partnership program is authorized to award loans from the fund to assist businesses or employers to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility. Loans shall be awarded on a one-time only basis, shall not be awarded to cover operating expenses beyond the first three months of business, and no loan shall exceed ten thousand dollars.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

The partnership program shall award loans to those businesses or employers meeting the minimum standards set forth in this chapter who will best serve the intent of the chapter to increase the availability of quality, affordable child care in Washington state. The partnership program shall promulgate rules regarding the application for and disbursement of loans from the fund. Such rules shall require an applicant to submit a plan which includes, at a minimum a detailed description of:

(1) The need for a new or improved child care facility in the area served by the applicant, including the needs of any special populations such as handicapped children, sick children, infants, children requiring night or weekend care, or children whose costs of care are subsidized by the department of social and health services;

(2) Why financial assistance from the state is needed to start or improve the child care facility;

(3) How the loan will be used, and how such uses will meet the described need;

(4) The child care services to be available at the facility and the capacity of the applicant to provide those services; and

(5) Other resources available to the applicant which will ensure the continued viability of the facility and the availability of its described services.

Recipients shall annually for two years following the receipt of the loan, submit to the partnership program a report on the facility and how it is meeting the child care needs for which it was intended.

NEW SECTION. Sec. 9. Where the partnership program makes a loan to a business or employer, the loan shall be repaid to the fund in the following time periods: (1) Twelve months for a loan up to five thousand dollars; and (2) twenty-four months for a loan over five thousand dollars up to ten thousand dollars.

NEW SECTION. Sec. 10. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services, through the child care resource coordinator:

(1) May, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, subject to any limitations otherwise provided by law, for the benefit of the partnership program; and

(2) Shall provide adequate and appropriate staff, technical assistance, and other support to the partnership program, maintain a record of partnership program proceedings, and work to promote applications to the partnership program for grants and loans.

NEW SECTION. Sec. 11. A new section is added to chapter 74.13 RCW to read as follows:

The office of child care resource coordinator shall, on December 15th of each even-numbered year, report to the economic development and labor committee and the children and family services committee on the progress and status of the partnership program. The report shall include sufficient data to evaluate the impact of the program, including, but not limited to, a summary of annual reports submitted by those receiving business child care grant funds and loans.

NEW SECTION. Sec. 12. A new section is added to chapter 43.168 RCW to read as follows:

(1) The committee may approve applications for projects to provide child care. The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(2)(a) A child care facilities loan guarantee fund is created in the custody of the committee. All receipts designated for the guarantee fund shall be placed in the guarantee fund and shall be administered by the committee including:

(i) Premiums and fees for guaranteeing loans;

(ii) Income from investments that the state treasurer, on instruction of the committee, makes for the committee under this section;

(iii) Proceeds from the sale, disposition, lease, or rental of collateral relating to loan guarantees;

(iv) Moneys appropriated by the state to the guarantee fund;

(v) Moneys appropriated by the committee from the development loan fund; and

(vi) Any other moneys made available to the guarantee fund.

Disbursements from the guarantee fund shall be on authorization by the committee. No appropriation shall be required to permit expenditures and payment of obligations from the fund.

(b) The guarantee fund shall be used to pay all expenses and disbursements authorized by the committee for administering the guarantee fund and financing the expansion, renovation, capital improvement or development of child care facilities in this state, including, but not limited to:

(i) Guaranty payments required by loan defaults; and

(ii) Expenses for administrative, legal, actuarial, technical assistance, and other services.

(c) If at any time the amount of money in the guarantee fund exceeds the amount that the committee finds necessary to meet its current expenses and obligations, the excess shall be deposited with the state treasurer to the credit of the fund and invested in the manner provided for by law.

(3)(a) Subject to the restrictions of this subsection (3), the committee, on application, may provide a guarantee of a loan made to an applicant. The committee may guarantee a loan only if the applicant meets the qualifications required by this section and the loan is to be used for expansion, renovation, capital improvement, or financing of a child care facility.

(b) To apply for a loan guarantee, an applicant shall submit an application to the committee on the form required by the committee. The application shall include, at a minimum:

(i) A detailed description of the proposed or existing day care facility, including the categories of children served or to be served and documentation of licensing pursuant to chapter 74.15 RCW;

(ii) An itemization of known and estimated costs;

(iii) The total amount of investment required to expand or develop the day care facility;

(iv) The funds available to the applicant without loan guarantee assistance from the committee;

(v) The amount of loan guarantee assistance sought from the committee;

(vi) Information about the inability of the applicant to obtain the financing necessary for the facility on reasonable terms through conventional lending channels;

(vii) Information on the financial status of the applicant, including, if applicable:

(A) A current balance sheet;

(B) A profit and loss statement;

(C) Credit references; and

(D) Any other relevant information required by the committee.

(c) In guaranteeing loans under this subsection (3), consideration shall be given to:

(i) Geographic distribution of child care facilities;

(ii) Community need in the community in which the facility is or will be located;

(iii) Community income, with special weight given to those communities with the lowest median family income; and

(iv) Commitment by the applicant as a condition of the loan guarantee to serve a reasonable number of: Handicapped children, as defined under chapter 72.40 RCW; sick children; infants; children requiring night time or weekend care; or children whose costs of care are subsidized by the department of social and health services.

(d) Except as otherwise required in this subsection (3), the committee may set the terms and conditions for guarantees of loans. The total aggregate amount of the loan guarantee for any applicant may not exceed eighty percent of the loan.

(4) The total aggregate amount of insurance from the guarantee fund, with respect to the insured portions of loans, may not exceed at any time an amount equal to five times the balance in the guarantee fund.

(5) The committee shall adopt rules setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

**NEW SECTION.** Sec. 13. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

**NEW SECTION.** Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Wojahn, Kreidler, Niemi, Talmadge, Smitherman and Murray to Second Substitute Senate Bill No. 6051.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 26.

Excused: Senator DeJarnatt - 1.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 6051 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6051.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Voting nay: Senators Niemi, Wojahn - 2.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6051, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5026, by Senators Kreidler, Smith, Stratton, Rinehart, Wojahn and Sutherland

Expanding child care resources and information.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5026 was substituted for Senate Bill No. 5026 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the following amendment by Senators Anderson and Smith was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The office of the child care resources coordinator is established to operate under the authority of the department of social and health services. The office shall:

(1) Actively seek public or private moneys and administer funding of available grants to local governments, private industry, and community-based nonprofit corporations for the purpose of creating and coordinating local child care resource and referral organizations.

(2) Provide information to local child care resource and referral organizations about all licensed child care providers in the state. The data shall include information about the existence of providers by locality and the status of the providers' licenses, including whether the license has been issued, denied, revoked, or suspended or whether a letter of intent to deny, suspend, or revoke has been issued by the department of social and health services. Department of social and health services licensors shall work with the child care resource coordinator in making such information readily available to local resource and referral organizations.

(3) Coordinate the provision of training and technical assistance to child care providers.

(4) Collect and assemble information regarding the availability of insurance and of federal and other child-care funding to assist the department, industry, and other providers in offering child care related services.

(5) With the involvement of community child care advocates, work to create county or multicounty child care resource and referral organizations. These groups may carry out needs assessments, resource development, provider training, technical assistance, resource and referral, and parent information and training. All groups with an interest in child care, including employers and parents, shall be represented on each local resource and referral organization's board.

(6) Provide staff support and technical assistance to the local child care resource and referral organizations.

(7) Organize the local child care resource and referral organizations into a state-wide system.

(8) Award grants of up to twenty-five thousand dollars to the local child care resource and referral organizations to provide the services outlined in subsection (5) of this section.

(9) Through local resource and referral organizations compile data about local child care needs and availability for future planning and development.

(10) Provide appropriate information to and assist the Washington state child care partnership within the business assistance center of the department of trade and economic development in carrying out its duties.

NEW SECTION, Sec. 2. There is appropriated from the general fund to the office of the child care resources coordinator of the department of social and health services for the biennium ending June 30, 1991, the sum of forty-five thousand five hundred dollars, or so much thereof as may be necessary, for start-up operating grants for the local child care resource and referral organizations."

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "creating a new section; and making an appropriation."

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Warnke, Senator Stratton was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5026.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Cantu - 1.

Excused: Senators DeJarnatt, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5026, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5384, by Senators Patterson, Craswell, Bender, McMullen and von Reichbauer

Exempting state ferry fuel from sales and use tax.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5384 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5384.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Madsen, Stratton, Sutherland, Talmadge - 4.

Absent: Senator Lee - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5384, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5435, by Senators McCaslin, DeJarnatt, Nelson, Owen, Smitherman, Anderson, Bender and Sutherland

Regulating subdivisions.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5435 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5435.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5435, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5140, by Senators McCaslin and DeJarnatt (by request of Governor Gardner)

Changing provisions relating to state personnel administration.

#### MOTION

Senator Newhouse moved that Substitute Senate Bill No. 5140 be substituted for Senate Bill No. 5140 and the substitute bill be placed on second reading and read the second time.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the question of scope and object with respect to Substitute Senate Bill No. 5140. A substitute measure before the body is one that should be treated as an amendment. That is the case under Reed's Rules, and the substitute bill that is before us is one that expands upon the original scope of the bill, which addressed the issue of the appointment of the director of the Department of Personnel and the membership of the personnel board. The substitute bill contains in it, not only those issues, but clearly deals with additional questions, including certain rights under the Civil Service Law and expands clearly upon the original scope of the bill, which was to deal only with civil service administration. The amendment that is before us as a substitute bill encompasses a wide variety of issues beyond simply the administration of the personnel system and gets into substantive civil service law, therefore expanding the scope and object of the original bill."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I believe the scope—the point is not timely given. The gavel had already sounded."

#### REPLY BY THE PRESIDENT

President Pritchard: "Senator Newhouse, I'm not going to agree with you on that, because he was standing as I hit it and it is sometimes a little hard for me to see it all, but I think in all fairness, he was on his feet. Would you like to set it down so I would have a chance to rule?"

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5140 was deferred.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5754 and the pending amendment by Senator Anderson on page 1, after line 28, deferred earlier today.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Anderson, and there being no objection, the amendment on page 1, after line 28, to Substitute Senate Bill No. 5754 was withdrawn.

## MOTION

Senator Hansen moved that the following amendment be adopted:

On page 1, after line 28, insert new sections to read as follows:

NEW SECTION, Sec. 2. When a health care provider finds that there exists a medical emergency, that provider shall take steps to protect the public from the dangers of that emergency. Those steps shall include, but not be limited to, the declaration to the public that an emergency exists; the acquisition of vaccines and the administration of those vaccines.

NEW SECTION, Sec. 3. As much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of social and health services for grants to health districts for the purposes of section 2 of this act.

NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

## POINT OF ORDER

Senator West: "I rise to a point of order. I'd raise the issue of scope and object. This, while it's well intended, has good intentions, it obviously doesn't fit this bill and I'd like to offer to Senator Hansen, that we get together and work something out perhaps with the budget or for some other bill and take care of this problem in another fashion, but it doesn't fit this bill."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Hansen, and there being no objection, the amendment on page 1, after line 28, to Substitute Senate Bill No. 5754 was withdrawn.

## MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5754 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5754.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5754 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5754, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5443, by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen (by request of Legislative Transportation Committee)

Making various policy changes in vehicle laws.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5443 was substituted for Senate Bill No. 5443 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment by Senators Rasmussen, von Reichbauer and Bender be adopted:

On page 2, line 27, strike all of section 5 through page 3, line 21

Renumber the sections following consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, von Reichbauer and Bender on page 2, line 27, to Substitute Senate Bill No. 5443.

The motion by Senator Rasmussen failed and the amendment was not adopted.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended. Substitute Senate Bill No. 5443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5443.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5443, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5591, by Senators Patterson, DeJarnatt and Sellar (by request of Department of Transportation)

Prescribing penalties for unfranchised use of highway right-of-way.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5591 was substituted for Senate Bill No. 5591 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5591 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5591.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Hansen - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5591, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5592, by Senators Patterson, DeJarnatt and Sellar (by request of Department of Transportation)

Limiting liability for damages to facilities on state highways.

The bill was read the second time.



## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5592 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5592.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5592 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Talmadge - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5592, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Rinehart, Senator Kreidler was excused.

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

## SECOND READING

SENATE BILL NO. 5616, by Senators McDonald, Gaspard, Rasmussen, Rinehart, Moore, Smitherman, Talmadge, Johnson, Bailey and Fleming

Regarding the identification of levy reduction funds.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5616 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5616.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Bluechel - 1.

Excused: Senators DeJarnatt, Hayner, Kreidler, McDonald, Sellar - 5.

SENATE BILL NO. 5616, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5651, by Senators Pullen, Talmadge, Owen, Nelson, Thorsness and Hayner (by request of Attorney General)

Continuing the homicide information and tracking system.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5651 was substituted for Senate Bill No. 5651 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5651 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5651.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Bluechel - 1.

Excused: Senators DeJarnatt, Hayner, Kreidler, McDonald, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5651, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5624, by Senators Craswell, Anderson, Smith, Owen, Hayner, Nelson, Stratton, Johnson, Amondson and Rasmussen

Regarding high-risk youth.

#### MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5624 was substituted for Senate Bill No. 5624 and the second substitute bill was placed on second reading and read the second time.

Senator Fleming moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 2, after "custody" insert "; and

(7) For purposes of sections 41 through 51 of this act and unless the context clearly indicates otherwise, the definitions in this subsection apply throughout sections 41 through 51 of this act:

(a) "Advisor" means an adult assigned specific responsibilities to work individually with high-risk students who receive services under project DREAM established under section 42 of this act.

(b) "High-risk student" or "student" or "eligible student" means a student age fourteen through age eighteen who meets the following criteria:

(i) The student is one or more grade levels behind in basic skills as determined by placement testing or has not graduated from high school or successfully completed the general educational development test;

(ii) The student has violated school district or school building rules of conduct on at least three occasions in the same school year; and

(iii) The family income level of the student is below the median level for the state.

(c) "Department" means the department of social and health services.

(d) "Superintendent" means the state superintendent of public instruction"

On page 8, following line 31, insert the following:

"(5) For purposes of sections 41 through 51 of this act and unless the context clearly indicates otherwise, the definitions in this subsection apply throughout sections 41 through 51 of this act:

(a) "Advisor" means an adult assigned specific responsibilities to work individually with high-risk students who receive services under project DREAM established under section 42 of this act.

(b) "High-risk student" or "student" or "eligible student" means a student age fourteen through age eighteen who meets the following criteria:

(i) The student is one or more grade levels behind in basic skills as determined by placement testing or has not graduated from high school or successfully completed the general educational development test;

(ii) The student has violated school district or school building rules of conduct on at least three occasions in the same school year; and

(iii) The family income level of the student is below the median level for the state.

(c) "Department" means the department of social and health services.

(d) "Superintendent" means the state superintendent of public instruction."

Renumber the remaining subsection accordingly.

On page 28, following line 16, insert the following:

"(vi) Participation in a local project DREAM program under section 42 of this act pursuant to the availability of funds to support such participation; and"

On page 28, line 17, strike "(vi)" and insert "(vii)"

On page 33, following line 15, insert new sections to read as follows:

**NEW SECTION. Sec. 41.** (1) The legislature finds that more and more young people, especially in the urban areas of the state, are becoming involved with gangs, substance abuse, including drug trafficking, and teen pregnancy. As they become involved in such activities, they more frequently drop out of school than other students and are at greater risk of experiencing unemployment, becoming involved with criminal activities, and turning to public assistance programs for support. The end result is harm to both themselves and society. Substance abuse, gang activity, unemployment, and teen pregnancy are taking a disproportionate toll on minority youth.

(2) The legislature further finds that existing programs take a piecemeal approach to the needs of high-risk youth, offering only limited services. As a consequence, the current programs are not adequately effective in stopping the proliferation of gangs, substance abuse, unemployment, teen pregnancy, or other problems among youth, particularly in the urban areas of the state. Studies show clearly that poor academic performance plays a significant part in these problems.

(3) The purpose of sections 42 through 51 of this act is to create a cost-effective program that will challenge, motivate, and give incentive to underachieving, high-risk students in an effort to: Boost their academic achievement in school; reduce their involvement with gangs and substance abuse; reduce the numbers of high-risk youth, particularly minorities, who are unemployed; and reduce the number of teen pregnancies.

**NEW SECTION. Sec. 42.** A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent, working with the employment security department, the department of social and health services, the department of community development, the state board for vocational education in the office of the governor, and other state agencies as are appropriate, shall be the lead agency in developing and administering project DREAM (dare to reach for educational aspirations and marks), a pilot program for academic excellence for underachieving, high-risk students.

(2) Initially, the program shall be limited to the school districts of Seattle, Tacoma, Spokane, Yakima, and Pasco, focusing on the areas within these school districts with the highest percentages of underachieving, high-risk students. The program shall emphasize a focus on minority students but shall not be exclusively limited to serving minority students.

(3) Project DREAM shall commence with the beginning of the 1989-90 school year and end at the completion of the 1992-93 school year.

**NEW SECTION. Sec. 43.** A new section is added to chapter 28A.03 RCW to read as follows:

Individual programs under project DREAM shall consist of the following:

(1) Academic counseling and outreach, including study skills;

(2) Parent and family involvement, including outreach and counseling as necessary and appropriate;

(3) Employment and vocational counseling and training;

(4) Substance abuse awareness, and counseling and treatment as necessary;

(5) Teen pregnancy and teen parenting counseling; and

(6) Positive self-image building.

**NEW SECTION. Sec. 44.** A new section is added to chapter 28A.03 RCW to read as follows:

Each adult advisor shall be responsible for the following:

(1) Maintain a caseload of high-risk students not to exceed fifteen;

(2) Sign a written agreement with each student to comply with specific state or local regulations, or both, while participating in project DREAM;

(3) Meet weekly with each student to monitor the student's progress under project DREAM;

(4) Meet bi-weekly with each student's teachers, school counselor, parent or guardian, and family members;

(5) Maintain a portfolio for each student; and

(6) Serve as the facilitator in getting the student together with or to school or community-based health care providers, vocational counselors, job service center personnel, employment interviews, court ordered activities or programs, as necessary, including, as appropriate, an intake officer, probation counselor or prosecuting attorney, and other persons or groups that can help the student gain maximum benefits from participating in project DREAM.

**NEW SECTION. Sec. 45.** A new section is added to chapter 28A.03 RCW to read as follows:

Each participating student shall be responsible for the following:

(1) Sign a written agreement with their adult advisor to comply with all state or local regulations, or both, while a participant in project DREAM;

(2) Meet weekly with their adult advisor to discuss the student's progress; and

(3) Maintain a personal written or audio portfolio.

**NEW SECTION.** Sec. 46. A new section is added to chapter 28A.03 RCW to read as follows:

(1) Each participating school district shall be responsible for designing the specific elements of its project DREAM program. The district shall determine, in accordance with section 42(2) of this act, which schools shall participate in the local program. Every eligible high-risk student in the building shall be encouraged to participate in the program.

(2) In designing the local program the participating districts are encouraged to consider:

(a) Dropout prevention strategies developed by school districts under RCW 28A.120.060 through 28A.120.072, the state grant program for school district student motivation, retention, and retrieval programs; and

(b) Substance abuse prevention, intervention, and aftercare strategies developed by school districts under RCW 28A.120.030 through 28A.120.050, the state grant program for school district substance abuse awareness programs.

(3) In designing the local program the participating districts shall:

(a) Contact the local job service center and establish how the center will assist the district in providing participating students employment and vocational counseling and training;

(b) Contact the local branch office of the department and local community based providers of health care to establish how these entities will assist the district in providing participating students counseling and information, and treatment as necessary, relating to substance abuse and teen pregnancy and teen parenting; and

(c) As necessary, contact the local juvenile court including the intake officer, probation counselor or prosecuting attorney, to determine, as appropriate, how decisions of the court affecting a student participating in a local project DREAM program may be implemented as part of the student's responsibilities under the local project DREAM program.

(4) In designing the local program, the participating districts shall be responsible for:

(a) Screening and employing adult advisors to work with high-risk students selected to participate in the program; and

(b) Providing any training necessary for the adult advisors to effectively carry out their responsibilities.

**NEW SECTION.** Sec. 47. A new section is added to chapter 28A.03 RCW to read as follows:

(1) Each school district participating in project DREAM shall submit annually to the superintendent of public instruction a report on the district's local program. The report shall include an assessment of the effectiveness of the services, programs, or activities provided to the participating high-risk students and other information as may be required by the superintendent.

(2) The superintendent shall establish the date for submittal of reports. The superintendent shall work with the participating districts in developing reporting requirements that do not create excessive paperwork but that provide information necessary for the legislature to evaluate the impact of project DREAM on the participating high-risk students.

(3) The superintendent shall submit annually to the legislature a report on project DREAM. The first report shall be submitted not later than December 1, 1990. Subsequent reports shall be submitted by December 1. The final report shall be submitted not later than December 1, 1993 and shall include final findings and recommendations.

The reports shall include information on how many students have or are participating in the local programs and the success of the programs in meeting the needs of the participating high-risk students.

**NEW SECTION.** Sec. 48. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent, through the state clearinghouse for education information, shall collect and disseminate to school districts and other interested parties information about project DREAM.

**NEW SECTION.** Sec. 49. A new section is added to chapter 28A.03 RCW to read as follows:

The employment security department, the department of social and health services, the department of community development, the state board for vocational education in the office of the governor, and other state agencies as may be involved with the development of project DREAM, shall assist the superintendent in providing appropriate and necessary technical support and assistance to the school districts participating in project DREAM.

**NEW SECTION.** Sec. 50. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent may accept, receive, and administer for the purposes of sections 42 through 48 of this act such gifts, grants, and contributions as may be provided from public and private sources.

(2) The project DREAM account is hereby established in the custody of the state treasurer. The superintendent shall deposit in the account all moneys received under subsection (1) of this section. Moneys in the account may be spent only for the purposes of sections 42 through 48 of this act. Disbursements from this account shall be on the authorization of the superintendent or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

**NEW SECTION.** Sec. 51. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of sections 42 through 50 of this act.

(2) The respective agencies under section 49 of this act shall adopt rules as necessary under chapter 34.05 RCW to implement section 49 of this act."

Renumber the remaining sections accordingly.

On page 34, following line 15, insert:

"The director of the department of community development is directed to work with the superintendent of public instruction to determine the extent, if any, the block grant system for high-risk youth programs under section 37 of this act may be coordinated with project DREAM under section 42 of this act.

NEW SECTION, Sec. 43. The sum of five million dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction to carry out the purposes of sections 41 through 49 of this act.

The superintendent of public instruction is directed to work with the director of the department of community development to determine the extent, if any, project DREAM under section 42 of this act may be coordinated with the block grant system for high-risk youth programs under section 37 of this act."

Renumber the remaining section accordingly.

On page 34, following line 19, insert a new section to read as follows:

"NEW SECTION, Sec. 44. This act shall take effect immediately."

#### POINT OF ORDER

Senator Craswell: "I rise to a point of order. I would reluctantly challenge Senator Fleming's amendments on scope and object. I believe the amendments, although well meaning, are addressing a whole other RCW that addresses 28A, which is the education area. The bill before us does not even touch that area. The bill before is addressing run-away children who are in conflict with their parents, not academically at risk students, which is what Senator Fleming's amendments do. He is amending on a whole other bill, and I believe it's out of scope and object. Thank you."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Second Substitute Senate Bill No. 5624 was deferred.

#### SECOND READING

SENATE BILL NO. 5679, by Senators von Reichbauer, Moore, Sellar and McMullen (by request of Insurance Commissioner)

Revising provisions for industrial insurance funds.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5679 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5679.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Kreidler - 2.

SENATE BILL NO. 5679, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5690, by Senators West, Hansen and Patterson (by request of Department of Licensing)

Changing provisions relating to the motor vehicle fuel tax.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5690 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5690.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5690 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Kreidler - 2.

SENATE BILL NO. 5690, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5713, by Senators West, Kreidler and Wojahn (by request of Department of Social and Health Services)

Providing for licensure of medical test sites.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5713 was substituted for Senate Bill No. 5713 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the following amendments by Senators West and Kreidler were considered simultaneously and were adopted:

On page 9, line 29, after "through" strike "23" and insert "22"

On page 9, line 31, after "Section" strike "24" and insert "23"

## MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5713 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5713.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Kreidler - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5736, by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf, Murray, Anderson, Conner and Smith (by request of Superintendent of Public Instruction)

Modifying local funding requirements for school construction.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5736 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5736.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5736 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Kreidler - 2.

SENATE BILL NO. 5736, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5738, by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf and Murray (by request of Superintendent of Public Instruction)

Changing requirements of student motivation, retention, and retrieval program.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5738 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5738.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5738 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5738, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5772, by Senators West, Kreidler, von Reichbauer, Stratton, Anderson, Benitz, Nelson, Niemi, McDonald and Bailey

Regarding out-of-state pharmacies.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5772 was substituted for Senate Bill No. 5772 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5772 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5772.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5772 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Lee, Sellar - 2.

Absent: Senator Amondson - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5772, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5810, by Senators Barr, Madsen, Sutherland and Benitz

Modifying responsibility for hazardous material incidents.

## MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5810 was substituted for Senate Bill No. 5810 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendment by Senators Barr and Madsen was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 165, Laws of 1984 and RCW 4.24.314 are each amended to read as follows:

(1) Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall take such additional action as may be reasonably necessary after consultation with the designated incident command agency in order to achieve compliance with all applicable federal and state laws and regulations.

Any person transporting hazardous materials that is responsible for causing ((the)) a hazardous materials incident, as defined in RCW 70.136.020, other than the operating employees of a transportation company, is liable to the state or any political subdivision thereof for extraordinary costs incurred by the state or the political subdivision in the course of protecting the public from actual or threatened harm resulting from the hazardous materials incident.

(2) Any person, other than a person transporting hazardous materials or an operating employee of a company, responsible for causing a hazardous materials incident, as defined in RCW 70.136.020, is liable to a municipal fire department or fire district for extraordinary costs incurred by the municipal fire department or fire district, in the course of protecting the public from actual or threatened harm resulting from the hazardous materials incident, until the incident command is assumed by the department of ecology.

(3) "Extraordinary costs" as used in this section means those reasonable and necessary costs incurred by a governmental entity in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services, and public works. These shall include, but not be limited to, overtime for public employees, unusual fuel consumption requirements, any loss or damage to publicly owned



equipment, and the purchase or lease of any special equipment or services required to protect the public during the hazardous materials incident."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "up," strike the remainder of the title and insert "and amending RCW 4.24.314."

#### MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5810 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5810.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Anderson, Matson - 2.

Excused: Senators Amondson, DeJarnatt - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5926, by Senators Benitz, Williams and Stratton

Requiring development of contingency plans relating to the Hanford facility's low-level radioactive waste.

The bill was read the second time.

#### MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 5926 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5926.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5926 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Patterson - 1.

Excused: Senators Amondson, DeJarnatt - 2.

SENATE BILL NO. 5926, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SENATE BILL NO. 5929, by Senator Johnson

Providing a minimum retirement allowance for members of the public employees' and teachers' retirement systems.

The bill was read the second time.

#### MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

On page 4, following line 28, add a new section to read as follows:

"NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 3 of the title, after "systems;" strike "and" and on line 4 of the title, after "41.40.1981" insert "; and declaring an emergency"

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5929 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Gaspard: "Senator Johnson, there was a bill that was recommended by the Joint Select Committee on Pension Policy, and that was Senate Bill No. 5417. Can you tell me how this bill differs from that bill. What was the recommendation?"

Senator Johnson: "Senate Bill No. 5417, this is the portion that brings up the minimum. Senate Bill No. 5928 is the other part of the bill and if you were looking at what came over from the House, Engrossed Substitute House Bill No. 1322 is the same as Senate Bill No. 5417. I have the assurance from the chairman of the Ways and Means Committee that we will look at the other part of Senate Bill No. 5417 later."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5929.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5929 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Vognild - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5929, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5952, by Senators Pullen, Talmadge and Nelson

Changing provisions relating to small claims.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5952 was substituted for Senate Bill No. 5952 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5952 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5952.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5952, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

SENATE BILL NO. 6003, by Senators Bailey, Rinehart, Gaspard, Murray, Warnke, Bauer, Patterson and Craswell

Permitting school and educational service districts to provide employees with postretirement medical benefits for unused sick leave.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6003 was substituted for Senate Bill No. 6003 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6003 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6003.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6003 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 6003, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6032, by Senators Benitz, Williams, Barr, Stratton, Metcalf and West

Requiring the utilities and transportation commission to study the feasibility of eliminating multiparty lines and mileage charges.

The bill was read the second time.

## MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 6032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6032.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Sutherland - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 6032, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5013, by Senator Owen

Relating to second class school districts changing back to having directors run at-large.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5013 was substituted for Senate Bill No. 5013 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5013 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5013.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5013, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5148, by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McCaslin and Moore

Regulating automobile rental liability.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5148.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Voting nay: Senators Matson, Saling, West - 3.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 14, 1989

HB 1096 Prime Sponsor, Representative Appelwick: Recording of federal liens. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 14, 1989

EHB 1358 Prime Sponsor, Representative Crane: Modifying the new Administrative Procedure Act and making conforming amendments. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 13, 1989

SHB 1414 Prime Sponsor, Committee on Judiciary: Establishing a judicial information system fund. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Niemi, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:57 p.m., on motion of Senator Newhouse, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:44 p.m. by President Pritchard.

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

#### SECOND READING

SENATE BILL NO. 5276, by Senators Barr, Smith, Hansen, and Benitz

Exempting recreational horse trailers from special driver licensing requirements.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5276 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5276.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Vognild - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5276, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5220, by Senators Saling, Bauer, Bailey, Stratton, Lee and Smitherman

Establishing the community college exceptional faculty award program.

## MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5220 was substituted for Senate Bill No. 5220 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5220.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5220 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5220, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5319, by Senators West, McMullen, Smitherman, DeJarnatt, Benitz, Fleming and Niemi

Prohibiting the use of drugs or autotransfusions by physicians to enhance an athlete's abilities.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5319 was substituted for Senate Bill No. 5319 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5319 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5319.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5319, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5401, by Senators Barr, Hansen and Bailey

Naming a state grass.

The bill was read the second time.

#### MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5401 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5401.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Rasmussen - 1.

Absent: Senator Matson - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5401, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5451, by Senators Talmadge and Moore

Creating a sales and use tax exemption for certain donated clothing.

The bill was read the second time.

#### MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

On page 1, line 18, after "organization" insert "or its donees"

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5451 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5451.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Williams, Wojahn - 46.

Voting nay: Senator Vognild - 1.

Absent: Senator West - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5451, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5479, by Senators Owen, Amondson, Kreidler, West and Sellar  
Establishing two recreational geoduck harvesting areas.

#### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5479 was substituted for Senate Bill No. 5479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5479 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5479.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5491, by Senators Talmadge and Bender  
Requiring edgestripping along certain roadways.

#### MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5491.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5531, by Senators Gaspard and Bailey

Revising provisions for the award for excellence in education program.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendments by Senators Gaspard, von Reichbauer and Johnson were considered simultaneously and were adopted:

On page 2, line 7, after "education" insert "for a student attending a state institution of higher education or a grant equal to the average tuition at the state comprehensive and research universities for a student attending an independent college or university as defined in RCW 28B.80.245"

On page 2, line 26, after "education" insert "or an independent college or university as defined in RCW 28B.80.245"

On page 3, line 3, after "education" insert "or an independent college or university as defined in RCW 28B.80.245"

## MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5531.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 47.

Voting nay: Senator Williams - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5553, by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

Deregulating excursion buses.

## MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5553.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5140 and the pending motion by Senator Newhouse to substitute the bill, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon Senator Talmadge's point of order, the President finds himself in a truly precedent-making situation. The Senate Rules are silent on whether a point of order based on scope and object may be raised on a proposed substitute bill.

"Reeds Parliamentary Rule, No. 77, states in part: 'Substitute Bill - When changes are numerous and otherwise not easy to be understood, the best way for a committee to do is to report the bill or paper in a new draft as a substitute for the paper committed. This substitute could then be regarded as an amendment or be acted on as an original bill, as the committee may determine.'

"The Senate has apparently treated substitutes as an original bill as the President can find no prior Senate ruling on this question.

"The President feels that to allow a scope and object challenge to a substitute bill would have the potential of fundamentally altering the way in which the Senate has conducted its business and the way in which the Senate has routinely contemplated doing its business.

"The President is extremely reluctant to unilaterally institute such a mid-stream change in the course of a legislative session.

"The President, therefore, finds that a point of order may not be raised on the scope and object of a substitute bill."

## POINT OF INFORMATION

Senator Vognild: "Mr. President, just a question of the President. We are moving into a new area, where we will have House Bills. If a House Bill comes back from committee, with a full striking amendment, and then was challenged as scope and object, would that fall under this ruling or would that take a separate ruling?"

## REPLY BY THE PRESIDENT

President Pritchard: "Well, Senator, I guess we will have to address that issue when it happens. Hopefully, by that time, I'll be ready."

## POINT OF INFORMATION

Senator Williams: "Mr. President, your ruling has raised a question in my mind in terms of what then might be the guidelines for a substitute bill. My concern would be the jeopardy that an individual sponsoring a bill would have dealing

with a certain subject. Your ruling, it seems to me, might open the door to carrying subject matter on that bill much beyond what the original sponsor's intent was or desire might be."

#### REPLY BY THE PRESIDENT

President Pritchard: "Well, number one we're going to do it the way, at least through this session, we're going to be doing it as we have done it in the past. We're going to not look behind the committee action. Obviously, if people feel this change should be made, why I think it's obvious that it's entirely proper for the rules to be changed by the body and at any time they can do that. I'm only ruling on the situation as it is.

"I would be very reluctant to make that change. You know people can make a very good argument on both sides of this issue, but, I think, then the determination on making that change is left with the body and not with the Chair to make some arbitrary ruling, particularly, a change in precedent that's been going on, as far as we can tell, for the last seventy-five years."

Senator Williams: "Thank you, Mr. President. I recognize that, however it seems to me that your ruling, though, does open the door to the need for subsequent clarification and unless the body changes its rules, then the President will find himself in the position of forced to make rulings on what degree of change a substitute bill can have."

The President declared the question before the Senate to be the motion by Senator Newhouse that Senate Bill No. 5140 be substituted.

The motion by Senator Newhouse carried and Substitute Senate Bill No. 5140 was substituted for Senate Bill No. 5140 and the substitute bill was placed on second reading and read the second time.

#### MOTION

Senator Vognild moved that the following amendment be adopted:

On page 51, line 10, after "67," strike all material down to and including the period on line 11 and insert "Sections 3 and 7 of this act shall be submitted to the people for their approval and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws to facilitate the operation thereof.

NEW SECTION. Sec. 68. Sections 1, 2, 4, 5, 6 and sections 8 through 66 of this act shall take effect January 1, 1990, if sections 3 and 7 are validly submitted and approved and ratified by the voters at a general election held in November 1989. If sections 3 and 7 are not approved and ratified, sections 1, 2, 4, 5, 6 and sections 8 through 66 are void in their entirety."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 51, line 10, to Substitute Senate Bill No. 5140.

The motion by Senator Vognild failed and the amendment was not adopted.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5140 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5140.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Stratton, Thorsness - 25.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pullen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 23.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5140, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Nelson moved that Substitute Senate Bill No. 5140 be immediately transmitted to the House of Representatives.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that Substitute Senate Bill No. 5140 be immediately transmitted to the House of Representatives.

The motion by Senator Nelson failed on a rising vote.

#### MOTION

At 8:09 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:49 p.m. by President Pritchard.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8218, by Senators McDonald, Bluechel, Stratton, Rasmussen, Craswell, Owen, Anderson, Conner, West and Sutherland

Amending the Constitution to require a two-thirds vote of the legislature in order to create or increase any state tax.

The joint resolution was read the second time.

#### MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

On page 1, after line 7, strike the remainder of the resolution and insert the following:

"Article II, section ..... No act or amendment to an act that authorizes a new state tax or increases the rate or expands the base of an existing state tax is valid unless the act or amendment is enacted by a favorable vote of two-thirds of the membership of each house of the legislature.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senator Talmadge moved that the following amendment by Senators Talmadge, Kreidler, Warnke and Vognilid to the Committee on Ways and Means amendment be adopted:

On page 1, line 3 of the amendment, after "tax" strike "or increases the rate or expands the base" and insert "or modifies the terms"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge, Kreidler, Warnke, and Vognilid on page 1, line 3, to the Committee on Ways and Means amendment to Senate Joint Resolution No. 8218.

#### MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognilid, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Conner, Bender, Murray, Williams, Kreidler, Rinehart, Bauer, Wojahn and Warnke to the Committee Ways and Means amendment be adopted:

On page 1, line 12 of the amendment, after "legislature" insert "except for acts or amendments referred to the legislature by initiative or referred to a vote of the people"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Gaspard, Conner, Bender, Murray, Williams, Kreidler, Rinehart, Bauer, Wojahn and Warnke on page 1, line 12, to the Committee on Ways and Means amendment to Senate Joint Resolution No. 8218.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTIONS

On motion of Senator McDonald, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 1, line 10 of the committee amendment, after "vote of" strike "two-thirds" and insert "three-fifths"

Senator McDonald moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, after line 12 of the committee amendment, insert "This section does not apply to initiatives."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 1, after line 12, to the Committee on Ways and Means amendment to Senate Joint Resolution No. 8218.

The motion by Senator McDonald carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Senate Joint Resolution No. 8218.

The Committee on Ways and Means amendment, as amended, to Senate Joint Resolution No. 8218 was adopted on a rising vote.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Joint Resolution No. 8218 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Senate Joint Resolution No. 8218 was deferred.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8219, by Senators McDonald, Smitherman, Bluechel, Stratton, Craswell, Owen, Rasmussen, Hansen, Anderson, Conner, Sutherland, McMullen, Nelson and West

Amending the Constitution to create an emergency reserve fund.

The joint resolution was read the second time.

#### MOTION

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

On page 1, line 18, after "facilities" insert "and senior service programs"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Smitherman and Gaspard on page 1, line 18, to Senate Joint Resolution No. 8219.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTION

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

On page 1, line 18, after "facilities" insert "and victims of crime"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McMullen and Gaspard on page 1, line 18, to Senate Joint Resolution No. 8219.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTION

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

On page 1, line 18, after "facilities" insert "and children's services"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Gaspard and Wojahn on page 1, line 18, to Senate Joint Resolution No. 8219.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Rasmussen, Bauer and Kreidler be adopted:

On page 1, line 19, after "shall be" insert "for casualty losses or"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Vognild, Rasmussen, Bauer and Kreidler on page 1, line 19, to Senate Joint Resolution No. 8219.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTION

Senator Vognild moved that the following amendment be adopted:

On page 1, line 20, after "by" strike "two-thirds" and insert "three fifths"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild on page 1, line 20, to Senate Joint Resolution No. 8219.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, McCaslin - 2.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Resolution No. 8219 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Joint Resolution No. 8219 was deferred.

#### MOTION

At 9:51 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, March 15, 1989.

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

## SIXTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 15, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, DeJarnatt, Fleming, Kreidler, McDonald, McMullen, Murray, Patterson, Rinehart and Wojahn. On motion of Senator Bender, Senators DeJarnatt, Fleming, Kreidler, Murray, Rinehart and Wojahn were excused. On motion of Senator Anderson, Senators Craswell and Patterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Lush and Joseph Chapman, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 13, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,  
 SUBSTITUTE HOUSE BILL NO. 1065,  
 HOUSE BILL NO. 1066,  
 HOUSE BILL NO. 1085,  
 ENGROSSED HOUSE BILL NO. 1129,  
 HOUSE BILL NO. 1156,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1174,  
 ENGROSSED HOUSE BILL NO. 1175,  
 SUBSTITUTE HOUSE BILL NO. 1217,  
 ENGROSSED HOUSE BILL NO. 1220,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1237,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301,  
 SUBSTITUTE HOUSE BILL NO. 1305,  
 ENGROSSED HOUSE BILL NO. 1334,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,  
 SUBSTITUTE HOUSE BILL NO. 1355,  
 ENGROSSED HOUSE BILL NO. 1360,  
 ENGROSSED HOUSE BILL NO. 1433,  
 ENGROSSED HOUSE BILL NO. 1454,  
 SUBSTITUTE HOUSE BILL NO. 1455,  
 SUBSTITUTE HOUSE BILL NO. 1475,  
 ENGROSSED HOUSE BILL NO. 1480,  
 SUBSTITUTE HOUSE BILL NO. 1521,  
 SUBSTITUTE HOUSE BILL NO. 1565,  
 HOUSE BILL NO. 1570,  
 HOUSE BILL NO. 1571,  
 ENGROSSED HOUSE BILL NO. 1580,  
 HOUSE BILL NO. 1618,  
 HOUSE BILL NO. 1621,  
 HOUSE BILL NO. 1631,  
 ENGROSSED HOUSE BILL NO. 1665,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666,  
 HOUSE BILL NO. 1718,  
 HOUSE BILL NO. 1719,



SUBSTITUTE HOUSE BILL NO. 1756,  
 SUBSTITUTE HOUSE BILL NO. 1858,  
 ENGROSSED HOUSE BILL NO. 1862,  
 HOUSE BILL NO. 1872,  
 ENGROSSED HOUSE BILL NO. 1909,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1910,  
 ENGROSSED HOUSE BILL NO. 1917,  
 SUBSTITUTE HOUSE BILL NO. 1956,  
 ENGROSSED HOUSE BILL NO. 1984,  
 SUBSTITUTE HOUSE BILL NO. 2024,  
 SUBSTITUTE HOUSE BILL NO. 2036,  
 HOUSE BILL NO. 2060,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2159,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,  
 HOUSE JOINT MEMORIAL NO. 4006,  
 HOUSE JOINT MEMORIAL NO. 4015,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4016, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 14, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1286,  
 SUBSTITUTE HOUSE BILL NO. 1326,  
 SUBSTITUTE HOUSE BILL NO. 1405,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415,  
 HOUSE BILL NO. 1417,  
 HOUSE BILL NO. 1468,  
 SUBSTITUTE HOUSE BILL NO. 1558,  
 SUBSTITUTE HOUSE BILL NO. 1568,  
 SUBSTITUTE HOUSE BILL NO. 1569,  
 ENGROSSED HOUSE BILL NO. 1573,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,  
 SUBSTITUTE HOUSE BILL NO. 1651,  
 SUBSTITUTE HOUSE BILL NO. 1661,  
 SUBSTITUTE HOUSE BILL NO. 1746,  
 ENGROSSED HOUSE BILL NO. 1762,  
 HOUSE BILL NO. 1776, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SCR 8410 by Senators Madsen, Johnson and Cantu

Creating a joint select committee on employee compensation.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1028 by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, S. Wilson, Haugen, Spanel and Rasmussen) (by request of Department of Fisheries)

Changing requirements for fishing licenses.

Referred to Committee on Environment and Natural Resources.

SHB 1065 by Committee on Judiciary (originally sponsored by Representatives Jones, Hargrove, Patrick, Walker, S. Wilson, Haugen, Basich, Brough, Todd, Ferguson, Holland, Crane, Cole, Rayburn, Jesernig, Rector, Heavey, Pruitt, Leonard, Kremen, Winsley, P. King, Bowman, Meyer, Silver, Cantwell, D. Sommers, Wineberry, H. Myers, G. Fisher, K. Wilson, Morris, Miller, Wolfe, Youngsman, Van Luven,

McLean, Nealey, Tate, May, Schoon, Brumsickle, Doty, Phillips, Betzoff and Anderson)

Increasing penalties for sex crimes against children.

Referred to Committee on Law and Justice.

HB 1066 by Representatives Jones, Hargrove, Crane, Walker, Cole, Basich, Patrick and Wineberry (by request of Department of Employment Security)

Appropriating money for an employment security office building in Port Angeles.

Referred to Committee on Economic Development and Labor.

HB 1085 by Representatives Ferguson, Dellwo, Day, Heavey, May, Haugen, D. Sommers, Brough, Winsley, Nelson, Beck, R. Meyers, Moyer, Van Luven, Doty, Betzoff, Sayan, Chandler, Miller, Silver, Rector, Holland, Walker, Rasmussen, Valle and Anderson

Providing insurance coverage for neurodevelopmental therapy.

Referred to Committee on Financial Institutions and Insurance.

EHB 1129 by Representatives R. Fisher, McLean, Anderson, Jacobsen, Nelson, Wineberry, Rector, O'Brien, Braddock, Belcher, Wang, R. King, Phillips, Cooper, G. Fisher, Pruitt, Fraser, Leonard, Raiter, Rust, Jesernig, Jones, Crane, Brekke, H. Myers and Spanel

Implementing voter registration by mail.

Referred to Committee on Governmental Operations.

HB 1156 by Representatives Holland, Schoon, Horn, Rasmussen and May

Clarifying provisions relating to eighteen year old high school students' residence for the purpose of school assignment.

Referred to Committee on Education.

ESHB 1165 by Committee on Trade and Economic Development (originally sponsored by Representatives O'Brien, Ferguson, Winsley, Haugen and Nelson)

Establishing a temporary commission of public ports.

Referred to Committee on Governmental Operations.

2SHB 1174 by Committee on Appropriations (originally sponsored by Representatives Phillips, Wood, Haugen, Ferguson, Rayburn, Horn, Raiter, Wolfe, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan and Ebersole) (by request of Governor Gardner)

Creating a procedure for local government service agreements.

Referred to Committee on Governmental Operations.

EHB 1175 by Representatives Raiter, Horn, Haugen, Ferguson, Wolfe, Rayburn, Wood, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan, Phillips, Brough, Ebersole and Sprengle (by request of Governor Gardner)

Establishing a citizens' review process for altering local governments.

Referred to Committee on Governmental Operations.

SHB 1217 by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen and Hine)

Revising provisions for water and sewer districts.

Referred to Committee on Governmental Operations.

- EHB 1220 by Representatives Nealey, Haugen, Ferguson and Miller  
Revising provisions for contract projects by water and sewer districts.  
Referred to Committee on Governmental Operations.
- ESHB 1237 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, Crane, Moyer, Scott and Schmidt)  
Changing allowable fees charged by clerks of the superior court.  
Referred to Committee on Law and Justice.
- EHB 1286 by Representatives Cantwell, Nealey, Basich, Prince, Moyer and P. King  
Specifying how the boundaries of an industrial development district may be revised.  
Referred to Committee on Governmental Operations.
- ESHB 1301 by Committee on Environmental Affairs (originally sponsored by Representatives D. Sommers, Rust, Walker, Sprenkle, Valle, Schoon, Pruitt, Phillips, Nealey, G. Fisher, Brække, Fraser, Moyer, Rector and Silver)  
Providing for radon studies.  
Referred to Committee on Environment and Natural Resources.
- SHB 1305 by Committee on Revenue (originally sponsored by Representatives Wang, Holland and Appelwick) (by request of Department of Revenue)  
Correcting the public utility tax in response to a 1986 Thurston county superior court decision.  
Referred to Committee on Energy and Utilities.
- SHB 1326 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Bristow, Betzoff, Peery, Fuhrman and Brough)  
Revising provisions for local funding requirements for school construction projects.  
Referred to Committee on Education.
- EHB 1334 by Representatives Rasmussen, Peery, Moyer, Dorn, Walker, Brumsickle, Betzoff, K. Wilson, Fuhrman, Fraser, McLean, Spanel, Anderson, Sayan, Hargrove, Phillips, Beck, Winsley, Basich, Cooper, Kremen, Valle, Grant, Belcher, Heavey, May, Vekich, Rust, Scott, Rayburn, Patrick, Bowman, Day, Wineberry, Jesernig, Rector, O'Brien, Locke, Smith, P. King, Pruitt, H. Myers, Silver, Doty and Crane  
Encouraging senior citizens to volunteer as teacher's aides.  
Referred to Committee on Education.
- SHB 1355 by Committee on Appropriations (originally sponsored by Representatives G. Fisher, Smith, Sprenkle, Inslee, Crane and Sayan) (by request of Governor Gardner)  
Improving state motor vehicle operations.  
Referred to Committee on Governmental Operations.
- SHB 1405 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Jacobsen, H. Sommers, Prince, Wood,

Spanel, Locke, O'Brien, Heavey, Miller, Brekke, Basich, Sayan, Phillips and Crane) (by request of Governor Gardner)

Regarding building fees for higher education.

Referred to Committee on Higher Education.

ESHB 1415 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Doty, Anderson and P. King) (by request of Higher Education Coordinating Board)

Revising provisions for tuition fees.

Referred to Committee on Higher Education.

HB 1417 by Representatives Heavey, Doty, Jacobsen, Van Luven, Anderson, Kremen, O'Brien, Locke, Moyer, Miller, Schoon, Betrozoff, D. Sommers, Ferguson, Wineberry, P. King, Wood, R. King, Sprengle and Basich (by request of Higher Education Coordinating Board)

Establishing the educational opportunity grant program.

Referred to Committee on Higher Education.

EHB 1433 by Representatives Wineberry, R. Fisher, McLean, Anderson, Nelson, Wang, Inslee, R. King and Todd

Extending the voter registration period.

Referred to Committee on Governmental Operations.

EHB 1454 by Representatives Todd, Patrick, Cantwell, Walk and P. King

Specifying ownership of transportation improvements in a transportation benefit district.

Referred to Committee on Transportation.

SHB 1455 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, Heavey and Brough)

Authorizing local elections in single district courts with multiple courtrooms.

Referred to Committee on Law and Justice.

HB 1468 by Representatives Ebersole, Betrozoff, R. Meyers, Holland, Bristow, Spanel, Wang, Kremen, Walker, May, Patrick, Miller, Ballard, Horn, D. Sommers, Youngsman, Ferguson, P. King, Pruitt and Basich

Increasing the number of recipients of awards for excellence in education.

Referred to Committee on Education.

SHB 1475 by Committee on Judiciary (originally sponsored by Representatives Winsley, Dellwo, K. Wilson, Chandler, Zellinsky, Beck, Day, Schmidt, Todd, Ferguson, D. Sommers and Wang)

Establishing the measure of damages for a motor vehicle.

Referred to Committee on Financial Institutions and Insurance.

EHB 1480 by Representatives Hankins, Sayan, R. Fisher, Belcher and Fraser (by request of Secretary of State)

Changing provisions relating to the productivity board.

Referred to Committee on Economic Development and Labor.

SHB 1521 by Committee on Human Services (originally sponsored by Representatives Leonard, Moyer, Hargrove, Ferguson, Wineberry, Winsley, Anderson, P. King, Brekke, Cole, Raiter, Scott, Prentice and Spanel)

Considering minority and ethnic heritage factors in adoption and foster care placement.

Referred to Committee on Children and Family Services.

SHB 1558 by Committee on Health Care (originally sponsored by Representatives Inslee, P. King, Van Luven, Appelwick, Beck, Wineberry, Wood, Rector, Smith, Brekke, Baugher, Winsley, Leonard, Todd, Ballard, Nutley, Rayburn, Jacobsen, Hankins, Braddock, Grant, Locke, Brumsickle, Jesernig, Wang, Betrozoff, Wolfe, Brough, Horn, Basich, Bowman and Ferguson)

Regulating use of steroids.

Referred to Committee on Health Care and Corrections.

SHB 1565 by Committee on Judiciary (originally sponsored by Representatives Locke, Wang, Brough, Padden, Belcher, Wineberry, Winsley and R. Fisher)

Relating to family relationships presumed to be valid for immigrants.

Referred to Committee on Law and Justice.

SHB 1568 by Committee on Environmental Affairs (originally sponsored by Representatives Cooper, D. Sommers, Ebersole, Sprengle, May, Pruitt and Ferguson)

Revising requirements regarding procurement and solid waste disposal.

Referred to Committee on Environment and Natural Resources.

SHB 1569 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Locke, Holland and Sayan)

Regarding forest protection.

Referred to Committee on Ways and Means.

HB 1570 by Representatives R. Fisher and McLean (by request of Secretary of State)

Changing election procedures in optional code cities.

Referred to Committee on Governmental Operations.

HB 1571 by Representatives R. Fisher, McLean and Sayan (by request of Secretary of State)

Changing the procedure for filling port district vacancies.

Referred to Committee on Governmental Operations.

EBH 1573 by Representatives Ebersole, Wang, Betrozoff, May, Appelwick, Heavey, Valle, Walker, Locke, Holland, Cole, Pruitt, Ferguson, Horn, Dorn, Winsley and Jacobsen

Regarding identification of levy reduction funds.

Referred to Committee on Ways and Means.

EBH 1580 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson, Winsley, P. King and Betrozoff (by request of Office of Financial Management)

Authorizing state agencies to report past due accounts receivable to credit reporting agencies.

Referred to Committee on Governmental Operations.

HB 1618 by Representatives Locke, Nutley, Winsley, Wineberry, Betrozoff, Anderson, Jacobsen and O'Brien

Making major revisions concerning public housing authorities.

Referred to Committee on Economic Development and Labor.

ESHB 1619 by Committee on Human Services (originally sponsored by Representative Brække)

Revising treatment of alcoholism and other drug addiction.

Referred to Committee on Health Care and Corrections.

HB 1621 by Representatives Belcher, Jacobsen, Cole, R. King, R. Fisher, Bowman, Appelwick, Locke, Morris, Nelson, Haugen, Anderson, O'Brien, Wineberry and Brække

Adding an additional factor of past, present, and future earning capacity into the spousal maintenance determination.

Referred to Committee on Law and Justice.

HB 1631 by Representatives Ferguson, Haugen, Van Luven, Braddock, Hine, Nelson, May and Day

Financing convention centers through local improvement districts.

Referred to Committee on Governmental Operations.

SHB 1651 by Committee on Local Government (originally sponsored by Representatives Baugher, Chandler, McLean, Grant, Kremen, Jesernig, Rayburn, Rasmussen, Nealey, Braddock, Holland, Haugen, Beck, Zellinsky, Schmidt, Dorn, Basich, Raiter, Betrozoff, D. Sommers, Smith, Tate, Gallagher, Silver, Hargrove, Fuhrman, Day, Moyer, Hankins, Wood, Brooks, Walker, R. Meyers, Prince, Prentice, S. Wilson, Ebersole, Crane, Youngsman, May, Ballard, Brumsickle, Bowman, Winsley, Rector, Spanel and Inslee)

Authorizing counties, cities, and towns to elect to participate in state-wide flood plain management.

Referred to Committee on Governmental Operations.

SHB 1661 by Committee on Local Government (originally sponsored by Representatives Hine, G. Fisher, Valle and Heavey)

Regulating the placement of electrical facilities.

Referred to Committee on Energy and Utilities.

EHB 1665 by Representatives R. Fisher, McLean, Anderson, Ferguson and Winsley

Providing for greater cost-efficiency in disposing of state surplus property.

Referred to Committee on Governmental Operations.

ESHB 1666 by Committee on State Government (originally sponsored by Representatives Anderson, Hankins, R. Fisher, Jacobsen, R. King, Bristow, Silver, Rector, McLean, O'Brien, Prentice, Wineberry, Todd, Morris, Sayan, Beck, Wang, Ferguson, Van Luven, P. King, Nutley, Pruitt, Winsley, Youngsman and Nelson) (by request of Secretary of State)

Establishing voter registration along with driver licensing.

Referred to Committee on Governmental Operations.

HB 1718 by Representatives Hine, Silver, Baugher and D. Sommers (by request of Department of Retirement Systems)

Changing provisions relating to disability retirement for Washington state patrol.

Referred to Committee on Ways and Means.

HB 1719 by Representatives Hine, Silver and D. Sommers (by request of Department of Retirement Systems)

Providing for disposition of excess retirement benefits upon death of the recipient.

Referred to Committee on Ways and Means.

SHB 1746 by Committee on Housing (originally sponsored by Representatives Locke, Todd, Anderson and Wineberry) (by request of Human Rights Commission)

Prohibiting discrimination in real estate transactions because of parental status.

Referred to Committee on Law and Justice.

SHB 1756 by Committee on Energy and Utilities (originally sponsored by Representatives Sprenkle, S. Wilson, Rector, Fuhrman, Hargrove, K. Wilson, Haugen, Jacobsen and Scott)

Providing for extended area service by telecommunications companies.

Referred to Committee on Energy and Utilities.

EHB 1762 by Representatives Walker, Appelwick, Brekke, Wineberry, Winsley and Heavey (by request of Human Rights Commission)

Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs.

Referred to Committee on Law and Justice.

HB 1776 by Representative Hine (by request of Office of Financial Management)

Creating a volunteer firefighters' pension administrative fund.

Referred to Committee on Ways and Means.

SHB 1858 by Committee on Trade and Economic Development (originally sponsored by Representatives Kremen, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Braddock and Wineberry)

Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program.

Referred to Committee on Economic Development and Labor.

EHB 1862 by Representatives McLean, Hine, Sayan, Silver, Winsley, Van Luvan and Doty

Providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools.

Referred to Committee on Ways and Means.

HB 1872 by Representatives Heavey, Prince, Valle, Brough, Anderson, R. Meyers, Walker, Haugen, Rasmussen, Ebersole, Bristow, Scott, Fraser, Patrick, Raiter, Ballard, Hine, Phillips, G. Fisher, K. Wilson, Day, Winsley, Prentice, D. Sommers, Leonard, Zellinsky, Todd and Wood

Allowing counties, cities and towns to regulate hitchhiking in some situations.

Referred to Committee on Transportation.

EHB 1909 by Representatives Horn, Haugen, Ferguson, Cooper, Silver, May, Raiter, Holland, Nelson, Phillips, K. Wilson, Betrozoff, Brumsickle,

Walker, Wood, Nealey, Wolfe, Nutley, Rayburn, Zellinsky, Todd, D. Sommers, Rector and Winsley

Authorizing local government to file abandoned intangible property records in archives after five years and transfer the property to its general fund.

Referred to Committee on Governmental Operations.

ESHB 1910 by Committee on State Government (originally sponsored by Representatives R. Fisher, Miller, Hine, Van Luven, McLean, H. Sommers, Anderson, Braddock, Belcher, Dellwo, Baugher, Basich, Leonard, Rust, Scott, Pruitt, Nelson, Winsley, Morris, Phillips, Raiter, G. Fisher, Sprengle and Brække)

Providing limitations on campaign contributions, voluntary limitations on campaign spending, and partial public financing of campaigns.

Referred to Committee on Governmental Operations.

EHB 1917 by Representatives O'Brien, May, Gallagher, Wineberry, Nelson, Locke, Sayan, Patrick, Baugher, Ferguson and McLean

Establishing a certified real estate appraiser law.

Referred to Committee on Economic Development and Labor.

SHB 1956 by Committee on Human Services (originally sponsored by Representatives Winsley, Brække, Heavey, Leonard, Moyer, Bristow, Padden, Ebersole, Anderson and Youngsman)

Revising and adding provisions on adoption.

Referred to Committee on Children and Family Services.

EHB 1984 by Representatives Hargrove, Belcher, Basich, Jones, Sayan, Raiter, Vekich, Beck, Brumsickle, Bowman, Doty, Winsley, Kremen, Cooper and H. Myers

Requiring the department of natural resources to prepare a timber supply report.

Referred to Committee on Environment and Natural Resources.

SHB 2024 by Committee on Trade and Economic Development (originally sponsored by Representatives Walk, Cantwell, Schoon, Rasmussen, Doty, Winsley, P. King, Pruitt, Kremen, Wood and D. Sommers)

Mandating regulatory fairness.

Referred to Committee on Economic Development and Labor.

SHB 2036 by Committee on Local Government (originally sponsored by Representatives Ebersole, Brough, Wang and Schoon)

Modifying the regulations for metropolitan park districts.

Referred to Committee on Environment and Natural Resources.

HB 2060 by Representatives Patrick, Leonard, Beck, Vekich, Baugher, Prentice, Crane, Doty, Inslee, Padden, Kremen, Rayburn, Holland, Walker, Wolfe, Silver, Ballard, Miller, Rector, Winsley, Smith and Todd

Providing industrial insurance coverage for the horse racing industry.

Referred to Committee on Economic Development and Labor.

ESHB 2159 by Committee on Health Care (originally sponsored by Representatives Braddock, Anderson, P. King, Morris, Brække and Phillips)

Creating the Washington state health commission.

Referred to Committee on Health Care and Corrections.



ESHB 2198 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers)

Pertaining to energy efficiency and conservation.

Referred to Committee on Energy and Utilities.

HJM 4006 by Representatives Anderson, R. Fisher, Hankins, Jacobsen, Winsley, Brekke, R. King, Nelson, Jesernig, Rector, Haugen, Wineberry, Spanel, O'Brien, Kremen, Morris, Bristow, Sayan, McLean, Brumsickle, Jones, Brough, Beck, Wang, Basich, Ballard, Horn, Ferguson, Bowman, Walker, D. Sommers, Wolfe, Fuhrman, Nealey, Youngsman, Leonard, Tate, G. Fisher, Todd and Doty

Asking the federal government to adopt a uniform poll closing law.

Referred to Committee on Governmental Operations.

HJM 4015 by Representatives Prince, Jacobsen, Miller, Basich, Wood, Van Luven, Doty and Baugher

Regarding student loans.

Referred to Committee on Higher Education.

SHJM 4016 by Committee on Revenue (originally sponsored by Representatives Wang, Holland, H. Sommers, Silver, Grant, Rust, May, Spanel, Anderson and Winsley)

Petitioning Congress to enact legislation authorizing the collection of sales tax from out-of-state direct marketers.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9079, Richard A. Virant, as a member of the Tax Appeals Board, was confirmed.

Senator Johnson spoke to the confirmation of Richard A. Virant as a member of the Tax Appeals Board.

APPOINTMENT OF RICHARD A. VIRANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; absent, 2; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Absent: Senators McDonald, McMullen - 2.

Excused: Senators Craswell, DeJarnatt, Fleming, Kreidler, Murray, Patterson, Rinehart, Wojahn - 8.

MOTION

On motion of Senator Bender, Senator McMullen was excused.

SECOND READING

SENATE BILL NO. 5309, by Senators Bailey, Rinehart, Murray, Anderson, Gaspard, Barr, Bender, Lee and Fleming

Regarding changing first and second class school districts to large and small school districts.

The bill was read the second time.

## MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5309.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 41.

Excused: Senators Craswell, DeJarnatt, Fleming, Kreidler, McMullen, Patterson, Rinehart, Wojahn - 8.

SENATE BILL NO. 5309, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5166, by Senators Pullen, Talmadge, Rasmussen, Vognild, Newhouse and Bauer (by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5166 was substituted for Senate Bill No. 5166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5166 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5166.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Craswell, DeJarnatt, Fleming, Kreidler, McMullen, Patterson - 6.

SUBSTITUTE SENATE BILL NO. 5166, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6034, by Senators Benitz, Williams and Hayner

Requiring the energy office to provide the energy facility site evaluation council with assistance, space, and support.

The bill was read the second time.

## MOTION

Senator Benitz moved that the following amendment by Senators Benitz and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 4, chapter 295, Laws of 1981 as amended by section 29, chapter 505, Laws of 1987 and RCW 43.21F.045 are each amended to read as follows:

The energy office shall have the following duties:

(1) The office shall prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The office shall coordinate the activities undertaken pursuant to ~~(the this)~~ this subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The office shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(2) The office shall establish and maintain a central repository in state government for collection of existing data on energy resources, including:

- (a) Supply, demand, costs, utilization technology, projections, and forecasts;
- (b) Comparative costs of alternative energy sources, uses, and applications; and
- (c) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(3) The office shall coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(4) The office shall develop energy policy recommendations for consideration by the governor and the legislature.

(5) The office shall provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the office shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific northwest electric power planning and conservation act (P.L. 96-501).

(6) The office shall cooperate with state agencies, other governmental units, and private interests on energy matters.

(7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.

(8) The office shall serve as the official state agency responsible for coordination of energy-related activities.

(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors as appropriate.

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter ~~(34.04)~~ 34.05 RCW, necessary to carry out the powers and duties enumerated in this chapter.

(13) To prescribe the means for monitoring the effects arising from the operation of energy facilities certified under chapter 80.50 RCW, which was in existence prior to the effective date of this act, and to assume continued compliance with terms of certification relating to emergency response and/or permits issued under chapter 80.50 RCW, which was in existence prior to the effective date of this act, pursuant to chapter 90.48 RCW and the Federal Clean Air Act.

(14) The office shall be empowered to charge reasonable fees to cover the costs of implementing subsection (13) of this section.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 45, Laws of 1970 ex. sess., section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010;

(2) Section 2, chapter 45, Laws of 1970 ex. sess., section 30, chapter 108, Laws of 1975-'76 2nd ex. sess., section 2, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.020;

(3) Section 51, chapter 266, Laws of 1986, section 60, chapter 36, Laws of 1988 and RCW 80.50.030;

(4) Section 4, chapter 45, Laws of 1970 ex. sess., section 32, chapter 108, Laws of 1975-'76 2nd ex. sess., section 4, chapter 371, Laws of 1977 ex. sess., section 1, chapter 254, Laws of 1979 ex. sess., section 2, chapter 67, Laws of 1985 and RCW 80.50.040;

(5) Section 6, chapter 45, Laws of 1970 ex. sess., section 34, chapter 108, Laws of 1975-'76 2nd ex. sess., section 5, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.060;

(6) Section 16, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.071;

(7) Section 17, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.075;

(8) Section 8, chapter 45, Laws of 1970 ex. sess., section 6, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.080;

- (9) Section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090;
- (10) Section 10, chapter 45, Laws of 1970 ex. sess., section 36, chapter 108, Laws of 1975-'76 2nd ex. sess., section 8, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.100;
- (11) Section 11, chapter 45, Laws of 1970 ex. sess., section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110;
- (12) Section 12, chapter 45, Laws of 1970 ex. sess., section 38, chapter 108, Laws of 1975-'76 2nd ex. sess., section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120;
- (13) Section 13, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.130;
- (14) Section 14, chapter 45, Laws of 1970 ex. sess., section 11, chapter 371, Laws of 1977 ex. sess., section 3, chapter 64, Laws of 1981, section 62, chapter 202, Laws of 1988 and RCW 80.50.140;
- (15) Section 15, chapter 45, Laws of 1970 ex. sess., section 12, chapter 371, Laws of 1977 ex. sess., section 1, chapter 41, Laws of 1979, section 2, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.150;
- (16) Section 16, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.160;
- (17) Section 2, chapter 110, Laws of 1974 ex. sess., section 40, chapter 108, Laws of 1975-'76 2nd ex. sess., section 13, chapter 371, Laws of 1977 ex. sess., section 205, chapter 3, Laws of 1983 and RCW 80.50.175;
- (18) Section 14, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.180;
- (19) Section 15, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.190;
- (20) Section 42, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.800;
- (21) Section 17, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.900;
- (22) Section 3, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.901; and
- (23) Section 20, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.902."

Debate ensued.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the amendment by Senators Benitz and Rasmussen expands the scope and object of Senate Bill No. 6034. Mr. President, if I might, the original bill was calculated to alter the administration arrangements for the Energy Facility Site Evaluation Council. This is calculated to repeal it, in effect, and it clearly expands the original intention of the bill which simply was to modify the administrative arrangements for that particular agency and this is a repealer, I think, in and of itself that suggests that the scope and object of the legislation has been expanded."

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6034 was deferred.

#### SECOND READING

SENATE BILL NO. 5167, by Senators Pullen, Talmadge, Rasmussen, Newhouse and Vognild (by request of Public Disclosure Commission)

Revising campaign finance reporting.

The bill was read the second time.

#### MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 15, after line 30, insert the following:

"(3) On the third Tuesday of January, each candidate shall file with the commission a report containing the information required by RCW 42.17.090(2), as now or hereafter amended.

(4) On the third Tuesday of January, each political committee shall file with the commission a report containing the information required by RCW 42.17.090(3), as now or hereafter amended."

Renumber remaining subsections accordingly.

On page 19, after line 30, insert the following:

"(2) Each report required by RCW 42.17.080(3), as now or hereafter amended, shall include:

(a) The name and address of each person making contributions to the reporting candidate in the aggregate exceeding one hundred dollars in the preceding calendar year, together with the aggregate value of all contributions received from each such person during the preceding calendar year; and

(b) The name and address of each person from which the reporting candidate received, or to which the candidate made, transfers of funds in the aggregate exceeding one hundred dollars, together with the amount of all such transfers during the preceding calendar year to or from each listed candidate or political committee.

(3) Each report required by RCW 42.17.080(4), as now or hereafter amended, shall include the name and address of each candidate to whom contributions were made by the reporting political committee in the aggregate exceeding one hundred dollars in the preceding calendar year, together with the aggregate value of all contributions to each such candidate during the preceding calendar year."

Re-number remaining subsection accordingly.

On page 22, line 2, after "42.17.090" insert "(1)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 15, after line 30; page 19, after line 30 and page 22, line 2, to Senate Bill No. 5167.

The motion by Senator West failed and the amendments were not adopted.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5167 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5167.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5167, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Murray was excused.

#### SECOND READING

SENATE BILL NO. 5177, by Senators Barr, Conner, Patterson, Metcalf, McMullen, Sellar, Benitz, Vognild, Anderson, West, Bauer, Warnke and Kreidler

Establishing the rural health system project.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5177.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen,

Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Murray - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5177, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 9:32 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

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

#### SECOND READING

SENATE BILL NO. 6033, by Senators Benitz and Stratton

Changing the emphasis of state nuclear policy to address Hanford's cleanup.

#### MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6033 was substituted for Senate Bill No. 6033 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 12, strike everything through "act." on line 16 and insert the following:

"Sec. 2. Section 5, chapter 19, Laws of 1983 1st ex. sess. as amended by section 6, chapter 161, Laws of 1984 and RCW 43.200.050 are each amended to read as follows:

((+)) An advisory council is hereby established of not less than fifteen members appointed by the governor to provide advice, counsel, and recommendations to the ~~((board))~~ department of ecology on all aspects of the radioactive waste management program. The council shall particularly advise the ~~((board))~~ department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council ~~((who shall also serve as chairman of the nuclear waste board))~~. Members of the council shall be selected from all areas of the state and shall include a broad range of citizens, representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter. A representative of an affected Indian tribe may be an ex officio nonvoting member of the council. Terms of council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. The governor may appoint a replacement for any council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060."

On page 2, line 5, strike subsection (7) entirely.

Renumber the remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Williams on page 1, line 12, and page 2, line 5, to Substitute Senate Bill No. 6033.

The motion by Senator Williams failed and the amendments were not adopted.

#### MOTION

Senator Benitz moved that the following amendment by Senators Benitz and Stratton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.200 RCW to read as follows:

The Hanford agreement advisory council is hereby established to provide advice, counsel, and recommendations to the department on maximizing opportunities for soliciting public input and assisting in meeting the need for public understanding of the issues involved in the management of defense nuclear waste. The council shall be composed of eleven citizen members and eight legislative members. The governor shall appoint the citizen members of the council, including the chairperson. Citizen members of the council shall be knowledgeable about the issues involved in the management of defense nuclear waste, shall be selected from all areas

of the state, and shall include a broad range of citizens, representatives of local governments, representatives of labor, representatives of business, and representatives of such other interests as the governor determines will best further the purposes of this section. Terms of citizen council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments and members may be reappointed. The governor may appoint a replacement for any council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Citizen members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Two legislative members from each caucus of the senate shall be appointed by the president of the senate and two members from each caucus of the house of representatives shall be appointed by the speaker of the house of representatives. The council shall hold its meetings in various locations throughout the state.

NEW SECTION. Sec. 2. The legislative budget committee shall conduct a program and fiscal review of the nuclear waste board and the nuclear waste advisory council. The legislative budget committee shall report on its findings to the governor and the energy and utilities committees of the senate and the house of representatives by January 1, 1990.

NEW SECTION. Sec. 3. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1990:

- (1) Section 1, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.010;
- (2) Section 2, chapter 19, Laws of 1983 1st ex. sess., section 2, chapter 161, Laws of 1984 and RCW 43.200.020;
- (3) Section 3, chapter 161, Laws of 1984 and RCW 43.200.025;
- (4) Section 3, chapter 19, Laws of 1983 1st ex. sess., section 4, chapter 161, Laws of 1984 and RCW 43.200.030;
- (5) Section 4, chapter 19, Laws of 1983 1st ex. sess., section 5, chapter 161, Laws of 1984, section 91, chapter 287, Laws of 1984 and RCW 43.200.040;
- (6) Section 5, chapter 19, Laws of 1983 1st ex. sess., section 6, chapter 161, Laws of 1984 and RCW 43.200.050;
- (7) Section 6, chapter 19, Laws of 1983 1st ex. sess., section 7, chapter 161, Laws of 1984 and RCW 43.200.060;
- (8) Section 14, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.090;
- (9) Section 9, chapter 161, Laws of 1984 and RCW 43.200.100;
- (10) Section 10, chapter 161, Laws of 1984 and RCW 43.200.110;
- (11) Section 11, chapter 161, Laws of 1984 and RCW 43.200.120;
- (12) Section 12, chapter 161, Laws of 1984 and RCW 43.200.130;
- (13) Section 13, chapter 161, Laws of 1984 and RCW 43.200.140;
- (14) Section 2, chapter 293, Laws of 1985, section 85, chapter 505, Laws of 1987 and RCW 43.200.142;
- (15) Section 3, chapter 293, Laws of 1985 and RCW 43.200.144;
- (16) Section 14, chapter 161, Laws of 1984, section 4, chapter 293, Laws of 1985 and RCW 43.200.150;
- (17) Section 5, chapter 293, Laws of 1985 and RCW 43.200.160; and
- (18) Section 6, chapter 293, Laws of 1985 and RCW 43.200.904.

NEW SECTION. Sec. 4. Section 1 of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 5. Section 1 of this act shall expire June 30, 1994."

#### POINT OF ORDER

Senator Sutherland: "Mr. President, during the course of this session, I've been taking careful notes on Senator West's requests, and I would like to request a ruling on scope and object on this amendment. I would point out a couple of factors. First of all, Senator Benitz's comments on Senator Williams' amendment clearly stated that his proposal--his amendment--would create a new board with a different orientation and those are right in the beginning on page 1 of the amendment, lines 10 and 11. I draw your attention also to page 2, lines 29, 30 and 31, which would require the Legislative Budget Committee to conduct a study and fiscal review of something that's being terminated.

"That study is new and then comparing that with the substitute bill which came out of committee, Mr. President, is just a total repealer of the Nuclear Waste Board and the Nuclear Waste Advisory Council. It appears to me, as if the two are totally different. One terminates the board; the other one starts or initiates a separate board."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6033 was deferred.

## SECOND READING

SENATE BILL NO. 5127, by Senator McCaslin

Eliminating boundary review boards.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5127 was substituted for Senate Bill No. 5127 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 8, beginning with "(if strike all material through "or)") on line 9 and insert "if the boundary review board approves or modifies and approves the proposal in other than counties containing a population of three hundred thousand or more, where an election shall be held even though the boundary review board disapproves, or"

On page 1, line 15, after "authorities, or" strike all material through "approval)" on line 16 and insert "in other than counties containing a population of three hundred thousand or more, the approval or modification and approval"

On page 3, line 4, after "that" insert "in counties containing a population of three hundred thousand or more"

On page 3, line 21, after "town" and before the comma, insert "in a county containing a population of three hundred thousand or more"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Sutherland on page 1, lines 8 and 15 and page 3, lines 4 and 21, to Substitute Senate Bill No. 5127.

The motion by Senator Sutherland failed and the amendments were not adopted.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Metcalf: "Senator McCaslin, if the Boundary Review Board does not make a decision, who does? Is there another committee? Is there somebody else doing this or--"

Senator McCaslin: "Yes, Jack, the county commissioners or the county council, because as Senator Sutherland pointed out, there are only nineteen in the state and you wonder how the other counties get along. What have we got, twenty-nine counties? Thirty-nine counties, it's even moved up since I've been here talking to you, Jack. But, anyway they get along fine. Jack, what this does is the Bounty Review Boards are making decisions the county commissioners should be making. We've got to stand up as elected people and make our decisions when the people put us in office."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5127.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 36.



Voting nay: Senators Bailey, Bauer, Fleming, Kreidler, Metcalf, Moore, Murray, Rinehart, Smitherman, Sutherland, Talmadge, Vognlid - 12.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5699, by Senators Williams, Johnson, Moore, Amondson, Matson, Saling, Wojahn and McCaslin

Extending the historic property tax exemption.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5699 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator Williams, first of all, could you tell me who it is the might be in opposition to this legislation? Secondly, could you give me a few names of some of, maybe, the more known organizations or places that took advantage--that list of them that you named off? Thirdly, if by doing this, are there any named organizations or places that would be able to benefit from this, such as the Rainier Club, or something like that?"

Senator Williams: "If I can remember your questions. First, of all the only known opposition, other than what you've heard here on the floor, basically has come from the assessors, and I'm not going to try and make their argument for them. Perhaps it complicates their life. I don't know.

"You know, property owners in Pioneer Square in Seattle, for instance, have taken advantage of this. Any building which qualifies on the historic register and goes through the process and covenant process and so forth, the rehabs that take place in these buildings, have to comply with national standards for rehabilitation of historic buildings. So, it's not just a give-away program. Also, the historic buildings that are subject to this, in Seattle at least, those historic buildings are subject to more stringent building code regulations than other property owners. This, in a sense, is a giving to those property owners for something that we impose on them that is more strict than other property owners."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5699.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Cantu, Craswell, Nelson, Patterson, Pullen - 5.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5699, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5314, by Senators Bailey, Craswell, Thorsness, Lee, Anderson, Nelson, Benitz, Bauer, Rasmussen and Smith

Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5314 was substituted for Senate Bill No. 5314 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendment was adopted:

On page 3, after line 27, insert the following:

"NEW SECTION, Sec. 6. A new section is added to chapter 43.43 RCW to read as follows:

(1) The supreme court shall by rule require the courts of the state to determine if a person has a certificate to teach under chapter 28A.70 RCW upon conviction of that person of any felony crime involving the physical neglect of children, the physical injury of children (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of children, child pornography, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor, the sale or purchase of a minor child under RCW 9A.64.030, or the sexual abuse of children. The supreme court by rule shall require the courts of the state to notify the state patrol of such convictions.

(2) When the state patrol receives information that a person with a certificate to teach has been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the state board of education and the superintendent of public instruction."

Renumber the remaining section consecutively and correct any internal references accordingly

On motion of Senator Bailey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "RCW 28A.70.180;" strike "and"

On page 1, line 3 of the title, after "RCW" insert "; and adding a new section to chapter 43.43 RCW"

## MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Patterson: "Senator Bailey, your amendment, is this a new function that the state patrol would have? To my knowledge, they have the ability to, through a fingerprint system, to identify people, but do they follow the court as to convictions and what have you and are they asked to do this?"

Senator Bailey: "This will not be a new function for the state patrol. We used the language that is already in WAC for the state patrol. It simply provides identification to each school district, through the Superintendent of Public Instruction Office of those convictions of felonies against children."

Senator Patterson: "They do have a function now?"

Senator Bailey: "Yes, they do have a function now."

## MOTIONS

On motion of Senator Bender, Senator Owen was excused.

On motion of Senator Anderson, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5314.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5314 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Retzbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, DeJarnatt, Owen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5499, by Senators von Reichbauer, Rasmussen, Sellar, Moore, Newhouse, Lee and Johnson

Requiring motor vehicle liability insurance.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5499 was substituted for Senate Bill No. 5499 and the substitute bill was placed on second reading and read the second time.

Senator Sellar moved that the following amendment be adopted:

On page 3, after line 34, insert the following:

"(5) No driver or owner of a motor vehicle may receive compensation for general damages greater than two times the medical bills for injuries or damages arising out of an automobile accident in which the driver or owner was an occupant of an involved motor vehicle unless the driver or owner first proves compliance with this chapter at the time of the accident. Nothing in this subsection prohibits a noncomplying person from receiving compensation for special damages."

## POINT OF ORDER

Senator McMullen: "Thank you, Mr. President. I would like to rise to question the scope and object of this amendment. I believe it expands the scope and object of the original bill. The original bill dealt with other people having insurance for my injuries. This deals with my ability to recover and I think it's beyond the scope and object."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5499 was deferred.

## SECOND READING

SENATE BILL NO. 5145, by Senators Smith, Niemi, Johnson, Kreidler, West and Moore

Licensing adult family homes.

## MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the second substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the following amendment by Senators Kreidler and Wojahn be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. As used in this chapter:

(1) "Adult family home" means the regular family residence of a person or persons licensed to provide room and board, and additional services as defined by the department, to adults who are developmentally disabled or have a mental or physical infirmity. For the purpose of this chapter, "adult family home" does not include any house, institution, hotel, or other similar living situation that supplies room and board only, room only, or board only.

(2) "Applicant" means any person who completes and signs an application for a license.

(3) "Board" means the provision of daily meal service.

(4) "Client" means a resident in an adult family home who receives services from a sponsor that are paid for by the department.

(5) "Contract" means a signed agreement between the department and a sponsor for the delivery of services to clients whose care is paid for by the state.

(6) "Department" means the department of social and health services.

(7) "Developmentally disabled adult" means a person age eighteen or over who has been determined to be developmentally disabled by the department as defined in RCW 71A.10.020.

(8) "License" means a certificate issued by the department to adult family home sponsors who are in compliance, at the time of licensing, with the requirements of this chapter and rules adopted under this chapter.

(9) "Permitted use" means the use permitted by right in the district where the applicant resides, and not uses otherwise allowed by conditional use permit, limited use permit, or special use permit.

(10) "Requirement" means any rule, regulation, policy, or procedure applied to the operation of an adult family home by the department.

(11) "Resident" means any person who receives room, board, and any additional services as defined by the department in an adult family home.

(12) "Room" means a space set apart by floor to ceiling partitions enclosed by doors and including windows.

(13) "Sponsor" means an applicant and facility licensed to operate as an adult family home.

**NEW SECTION, Sec. 2.** (1) A license is required to be maintained by any person who operates a facility providing services for:

(a) No less than one and no more than four developmentally disabled adults whose care is paid for by the state; or

(b) No less than one and no more than four clients whose care is paid for by the state; or

(c) Three or four persons whose care is not paid for by the state.

(2) The department shall not place a client whose care is paid for by the state in the home of an unlicensed sponsor.

(3) A licensed sponsor shall not exceed the licensed resident capacity established by the department.

(4) Exceptions to resident capacity may be authorized by the department for good cause.

(5) The sponsor shall inform the department of the number of residents in the home at the time the license is issued and shall immediately inform the department of any changes in the number of individuals residing in that home.

**NEW SECTION, Sec. 3.** (1) An application for a license shall be made to the department and shall include evidence of ability to comply with rules adopted under this chapter.

(2) The applicant may withdraw their application at any time during the application process by notifying the department.

**NEW SECTION, Sec. 4.** (1) Department staff or any member of a staff member's household involved directly or in an administrative or supervisory capacity in the adult family home licensing process, or in placement of persons in a licensed adult family home, or in authorizing payment for such resident, is prohibited from becoming a sponsor.

(2) Upon receipt of an application the department shall investigate the applicant and home to assure that the adult family home meets the requirements of, and rules adopted under, this chapter and the licensing requirements found in the rules adopted under this chapter.

(3) In consultation with law enforcement personnel, the department shall investigate the conviction record or pending charges of each applicant, sponsor, and their staff. The investigation shall include a criminal check completed by the Washington state patrol. The department shall not use the information for other than department purposes of determining eligibility for a license. Criminal justice agencies shall provide the department such information as they may have and that the department may require for such purpose.

(4) In consultation with the clerk of courts the department may investigate the civil records of the applicant and their staff.

(5) The department shall issue a license to the applicant and the adult family home if the applicant meets the requirements of this chapter.

(6) The department shall be notified of staff changes as they occur. A criminal check shall be completed for new staff members.

(7) Each license shall be issued only for the exact location of the adult family home and for the sponsor or sponsors named in the application. Each license shall state the maximum capacity of residents for whom the home is licensed. The license shall not be transferrable or assignable.

(8) Licenses shall be posted in a conspicuous place on the licensed premises.

(9) Licenses shall be issued for no less than one and no more than three years as determined by the department.

(10) If a licensed sponsor desires to apply for a renewal of a license he or she must submit a renewal application to the department. If the department fails to act by the expiration date of the license, the license shall continue in effect until the department acts.

(11) The department shall conduct an inspection of the adult family home prior to license renewal to ensure the requirements of this chapter and the rules adopted under this chapter are met.

(12) The department may deny a license to any applicant that:

(a) Operated an adult family home without a license or under a revoked or suspended license;

(b) Has knowingly or with reason to know made a false statement of a material fact (i) in an application for license or any data attached thereto, or (ii) in any matter under investigation by the department;

(c) Refused to allow representatives or agents of the department to inspect (i) all books, records, and files required to be maintained or (ii) any portion of the premises of the adult family home;

(d) Prevented, interfered with, or attempted to impede in any way (i) the work of any authorized representative of the department or (ii) the lawful enforcement of any provision of this chapter or chapter 74.42 RCW;

(e) Is not in compliance with this chapter at the time of the initial licensing evaluation or has a history of significant noncompliance with state regulations in providing adult family home care. The department shall consider the gravity and frequency of the noncompliance; or

(f) Shows an inability to comply with health and safety requirements as indicated in the information gathered during the investigation required in subsections (3) and (4) of this section.

(13) The department may suspend, revoke, or refuse to renew a license, in any case in which it finds the sponsor:

(a) Operated an adult family home without a license, or under a revoked or suspended license; or

(b) Has knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained, or any portion of the premises of the adult family home; or

(d) Willfully prevented, interfered with, or attempted to impede in any way the work of any authorized representative of the department or the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or

(e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards and rules adopted under them; or

(f) Failed to report patient abuse or neglect.

(14) The department shall notify the residents of the denial, suspension, or revocation or nonrenewal of a license.

(15) If the department determines that an emergency exists as a result of an adult family home's failure or refusal to comply with requirements of this chapter, the department may order the immediate closure of the adult family home, the immediate transfer of residents, or both.

(16) (a) The department shall order stop placement on an adult family home, effective upon oral or written notice, when the department determines that the adult family home no longer substantially meets the requirements of this chapter; or any applicable state rules; and the deficiency or deficiencies in the adult family home jeopardize the health and safety of the residents or seriously limit the adult family home's capacity to provide adequate care.

(b) When the department has initiated a stop placement, the department may approve a readmission to the adult family home from a hospital when the department determines the readmission would be in the best interest of the individual seeking readmission.

(c) The department shall notify the sponsors, by certified mail, of its intention to deny, suspend, or revoke the sponsors license. The letter shall state the grounds for the action, the time frame for corrective action, if any, and the opportunity to contest the departments action.

(d) All orders of the department denying, suspending, or revoking the adult family home license shall become final twenty days after service upon the applicant or licensee unless a hearing is requested.

(e) Orders of the department imposing stop placement, emergency closure, emergency transfer, or stop payment shall be effective immediately upon notice and pending any hearing.

(f) The department shall terminate the stop placement when:

(i) The sponsor states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(ii) Department staff confirms in a timely fashion not to exceed fifteen working days that:

(A) The deficiencies necessitating stop placement action have been corrected; and

(B) The sponsor exhibits the capacity to maintain adequate care and service.

(g) An adult family home sponsor shall have the right to an informal review to present written evidence to refute the deficiencies cited as the basis for the stop placement. If an informal review is desired, the adult family home shall request the review in writing within ten days of the effective date of the stop placement.

(h) A stop placement shall not be delayed or suspended because the adult family home requests a contested hearing or an informal review. The stop placement shall remain in effect until:

(i) The department terminates the stop placement;

(ii) Fourteen days after an initial decision terminating the stop placement is mailed and the department does not file a petition for administrative review; or

(iii) A review decision terminating the stop placement is mailed.

(17) The department shall by rule specify criteria as to when and how the sanctions specified in this section shall be applied. Such criteria shall provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or

present a threat to the health, safety, or welfare of the residents. Penalties may include civil monetary penalties.

(18) At the time of the application for or renewal of a license the licensee shall at the department's discretion, pay a license fee as established by the department under RCW 43.20B.110.

**NEW SECTION.** Sec. 5. Notwithstanding the existence or use of any other remedy, the department or a resident may bring an action for a temporary restraining order, preliminary injunction, or other action against any person who operates a facility in noncompliance with this act.

**NEW SECTION.** Sec. 6. (1) The department shall, in the interest of public health, safety and welfare, adopt rules with respect to licensed adult family homes and sponsors as may be needed to further promote this chapter and the safe and adequate care of individuals in adult family homes.

(2) All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION.** Sec. 7. All information received by the department through filed reports, inspections, or as otherwise authorized under this chapter, shall not be disclosed publicly in any manner identifying residents or sponsors, except in a proceeding involving denial, suspension, or revocation of a license.

**NEW SECTION.** Sec. 8. The department shall have the authority, in consultation with the state fire marshal, to:

(1) Adopt recognized minimum standard requirements for adult family homes necessary to protect residents from fire hazards; and

(2) To make or cause to be made inspections, necessary to protect all persons residing in the adult family home from fire hazards. These inspections may be made by department licensing staff or the local fire authority.

**NEW SECTION.** Sec. 9. (1) Each resident shall have, in addition to any rights established by law, the following rights:

(a) To be informed or to have an agent, designated by the resident, informed of the resident's rights and the policies of the adult family home at the time of admission. A written copy of rights and policies shall be provided to each resident or designated agent;

(b) To be treated in a manner that respects his or her individual identity and human dignity and fosters self-esteem;

(c) To associate and communicate privately with persons of his or her choice; to send or receive uncensored correspondence through the mail; and to have reasonable access to a telephone both to make and to receive personal phone calls;

(d) To manage personal financial affairs unless the person has been adjudicated to be incompetent or unless a representative or protective payee has been appointed;

(e) To retain and use personal clothing and possessions;

(f) To be assured privacy for visits with relatives or guests;

(g) To voice grievances and recommend changes in policies and services to the sponsor, and to outside representatives of his or her choice, free from restraint, interference, coercion, discrimination, or reprisal;

(h) To be informed of telephone numbers and addresses of the licensing agency and appropriate advocacy groups;

(i) To meet with and participate in activities of social, religious, and community groups at his or her discretion;

(j) To be free from exploitation, assault, abuse, and neglect;

(k) To have information contained in resident health records kept confidential with access only to authorized personnel and the department unless the resident authorizes a release of information; and

(l) To be given timely notice of changes in policies and procedures.

(2) Each resident shall have at least one comfortable pillow and adequate, clean bedding. Clean sheets, a pillow case, towels, and washcloths shall be provided as needed and in any case at least once a week.

(3) Services shall be provided so as to attain or maintain each resident's highest degree of independent functioning possible and be compatible with individual safety and welfare.

(4) Nothing in this section shall allow a danger to be created or an infringement upon the rights of others.

**NEW SECTION.** Sec. 10. The sponsor shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination.

**NEW SECTION.** Sec. 11. The department shall establish a procedure for making on-site investigations of complaints against adult family homes.

**NEW SECTION.** Sec. 12. The department shall inspect and investigate all adult family homes when the department has reason to believe the adult family home or sponsor may be in violation of provisions of this chapter or the rules adopted under this chapter.

NEW SECTION. Sec. 13. Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations. It is the responsibility of the sponsor to check with local authorities to ensure all local codes are met. An adult family home shall be a residential use of property for zoning purposes. Political jurisdictions shall treat adult family homes as a permitted use in all residential zoning districts, including all single family residential zoning districts.

NEW SECTION. Sec. 14. No sponsor shall be licensed to operate more than one adult family home concurrently. A sponsor shall not be employed by a corporation, partnership, or individual to operate an adult family home. Being employed by someone to be a sponsor shall be grounds for denial, suspension, or revocation of that application or license and all associated applications and licenses. Exceptions may be authorized by the department for good cause.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kreidler and Wojahn to Second Substitute Senate Bill No. 5145.

The motion by Senator Kreidler failed and the amendment was not adopted.

#### MOTION

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senator Madsen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5145.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams - 45.

Voting nay: Senators Matson, Wojahn - 2.

Excused: Senators DeJarnatt, Madsen - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5225, by Senators Saling, Stratton, Bauer, Patterson, Lee and West

Creating the Spokane intercollegiate research and technology institute.

#### MOTIONS

On motion of Senator Saling, Second Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Second Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5225.

## POINT OF INQUIRY

Senator Gaspard: "Senator Saling, on our reading calendar for today, there are two measures, the Spokane Surety Bill which you just spoke for and the Access for Higher Education. That is a bill that is of concern and importance to a number of us, because it provides for a higher education access into those areas we think most need it. Will the other bill, Senate Bill No. 5975, then follow this bill for our consideration?"

Senator Saling: "I don't know if it will follow this bill or not. As you are well aware, there are a considerable number of amendments on the other bill. We are looking at those amendments; we are talking about those amendments. We're trying to work out what we could accept and what we could not accept in those amendments and at this point in time, I'm not able to tell you how many of those amendments we can accept and how many we want to discuss with you and with others who have put those amendments on the desk. I hope, as you do, that we can get the higher education access bill along with a branch campus bill, which would be attached to it out of this body and over to the House as quickly as possible."

Senator Gaspard: "I would hope that, too. I'm asking from you, are we going to have a commitment from your side of the aisle that that issue will be before us before the cut-off at five o'clock?"

Senator Saling: "I can't give you any commitment on what bills will pass. That's beyond my control."

Senator Gaspard: "I didn't ask commitment for passage. I want to know if we're going to have them up for consideration?"

Further debate ensued.

## PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, I would like to speak on a point of personal privilege. I want to speak to the question of Senator Newhouse resenting comments that I might have made about the process that affects me personally. I'll be very brief. Mr. President, I'm sorry that Senator Newhouse resented the fact that I spoke to the process, but when I went to a member on this floor and said that I had amendments to the branch campus bill, and was told if amendments were offered, then the bill would not come before us and they would handle it in the budget process. I thought that was prima facie evidence that I could make the assumption that there was going to be another process used, rather than having the bill before us to amend, so I'm sorry that Senator Newhouse resented the fact, but I thought my information that I had, warranted my comments on the floor."

Further debate ensued.

## MOTION

Senator Vognild moved that further consideration of Second Substitute Senate Bill No. 5225 be deferred and the Senate immediately consider Senate Bill No. 5975. Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, I rise to a point of parliamentary inquiry. Second Substitute Senate Bill No. 5225 is a Senate Bill that has fiscal notes on it; it has appropriations on it and it is directly related to the budget procedure. Under that belief of mine, would you rule whether this bill survives the cut-off tonight at five o'clock?"

## REPLY BY THE PRESIDENT

President Pritchard: "That issue isn't before us at this moment. When it is before us, I'll rule."

The President declared the question before the Senate to be the motion by Senator Vognild to defer further consideration of Second Substitute Senate Bill No. 5225 and to immediately consider Senate Bill No. 5975.

The motion by Senator Vognild failed and the Senate continued consideration of Second Substitute Senate Bill No. 5225.

Further debate ensued.



## PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, I rise for a parliamentary inquiry. The bill that is now before us, Second Substitute Senate Bill No. 5225, is an act relating to Spokane intercollegiate research. It does have an appropriation. It has language talking about an operating fund appropriation that would be necessary to carry out the act. You would have to have a capital budget in order to carry out this act and a bond proposal, and I would like to have a ruling if this would be exempt from today's cut-off."

## REPLY BY THE PRESIDENT

President Pritchard: "Well, you're asking me. The ruling says, 'what is necessary to implement the budget,' and I cannot, at this time, make a judgment on what is necessary to implement the budget, so I can't make that ruling."

Senator Gaspard: "Mr. President, who does make that ruling then?"

President Pritchard: "Well, we'll make it. I don't know anyone that can tell you right now what is necessary to implement the budget."

Senator Gaspard: "I don't want to belabor the point, but we do have a resolution before us that sets out the rules before the Senate and items necessary to implement the budget. Who then will make that determination of what is necessary to implement the budget?"

President Pritchard: "I don't think anyone today can tell you what is necessary to implement the budget."

Further debate ensued.

## POINT OF INQUIRY

Senator Warnke: "Senator McDonald, the Lieutenant Governor is unable to make a determination on whether or not this bill would survive the cut-off. Since you're drafting the budget, could you tell us whether or not, this bill is necessary for the implementation of the budget?"

Senator McDonald: "Senator Warnke, as you know, I can't tell you that. That is a decision of the Ways and Means Committee and of this body and that will be done at a later time."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5225 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Stratton, Thorsness, West - 24.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Johnson, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 24.

Excused: Senator DeJarnatt - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5225, having failed to receive the constitutional majority was declared lost.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to immediately reconsider the vote by which Second Substitute Senate Bill No. 5225 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Vognild to immediately reconsider the vote by which Second Substitute Senate Bill No. 5225 failed to pass the Senate.

The motion by Senator Vognild for immediate reconsideration of the vote by which Second Substitute Senate Bill No. 5225 failed to pass the Senate, carried.

## MOTION

On motion of Senator Newhouse, further consideration of Second Substitute Senate Bill No. 5225, on reconsideration, was deferred.

## SECOND READING

SENATE BILL NO. 5723, by Senators McCaslin and Kreidler (by request of Secretary of State)

Revising procedures for ballot titles and summaries.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5723.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5723, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## CLARIFICATION OF PRESIDENT'S RULING

President Pritchard: "Senator Gaspard, I would like to clarify and kind of restate, and give you a better answer than I gave you when you asked me that question. I've had a little time to go over this and go through it. Let me just say in reading the rules here it says, 'be it further resolved that after 5:00 p.m. on Friday, April 14, 1989, the ninety-sixth day, neither house may consider any bills, memorials or joint resolution, except budgets, matters necessary to implement budgets, tax reform legislation, initiatives to the legislature, etc.' As I've gone through this, I think I'm not satisfied with my answer that I gave you and, I think, it appears that this measure would be in a general sense, necessary to implement a budget, so at this time the Chair would tell you that the bill would survive today's cut-off."

EDITOR'S NOTE: The President quoted from the ninety-sixth day of the cut-off resolution, House Concurrent Resolution No. 4404, to clarify the measures that qualify and are necessary to implement a budget.

Debate ensued.

## SECOND READING

SENATE BILL NO. 5525, by Senators Craswell, Owen, Smith, Stratton and Amondson

Regarding foster care.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5525 was substituted for Senate Bill No. 5525 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment by Senators Vognild and Niemi be adopted:

On page 1, beginning on line 5, strike all material through "case plan." on page 3, line 7, and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The legislature recognizes that the foster care system is currently overburdened because of increased children in placement and lack of resources with which to handle those placements. In addition, the legislature also recognizes that placement decisions are a matter of individual caseworker judgment or local department office policy which is applied inconsistently from case to case throughout the state. The legislature further recognizes that caseworker inexperience, an overwhelming feeling of responsibility attendant on the need to protect the child where there is a possibility of abuse, and the fear of public censure should the child be injured all influence placement decisions.

It is the legislature's intent that a standardized tool for use in decision-making be developed to guide caseworker's decisions on the need for out-of-home placement and that this tool be used to help ensure uniformity in these decisions across the state.

**NEW SECTION.** Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop placement guidelines for use by caseworkers and other staff in assessing or reviewing the need for out-of-home placement. The risk assessment model used to determine the level of intervention required for child protective services investigations may be used as a model upon which to base the out-of-home placement guidelines. The guidelines should include components which deal with the initial decision of whether to place a child and to focus on the critical elements that indicate the need for out-of-home placement. The guidelines should also include an evaluatory component for ongoing placement evaluation.

The department shall report to the committee on children and family services on its progress in developing these out-of-home placement guidelines by December 1, 1989.

Sec. 3. Section 4, chapter 172, Laws of 1967 as last amended by section 7, chapter 118, Laws of 1982 and RCW 74.15.040 are each amended to read as follows:

(1) An agency seeking to accept and serve children, developmentally disabled persons, or expectant mothers as a foster-family home shall make application for license in such form and substance as required by the department. The department shall maintain a list of applicants through which placement may be undertaken. However, agencies and the department shall not place a child, developmentally disabled person, or expectant mother in a home until the home is licensed. Foster-family homes shall be inspected prior to licensure, except that inspection by the department is not required if the foster-family home is under the supervision of a licensed agency upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to chapter 74.15 RCW and RCW 74.13.031.

(2) Licenses provided for under this section shall be issued for a period of two years. Licensed foster-family homes shall be subject to on-site semiannually monitoring by department or private nonprofit agency licensing staff. The department or private nonprofit agencies may, at their discretion, reduce the frequency of monitoring if a home has been monitored for two years and the previous reports have shown no concerns raised regarding inappropriate care. In no case should the monitoring be less frequent than annually.

**NEW SECTION.** Sec. 4. A new section is added to chapter 74.15 RCW to read as follows:

The secretary of the department of social and health services may, in his or her discretion, issue a probationary license to any foster-family home for a period not to exceed six months. The probationary license shall not be granted until a criminal background check on the prospective foster parents is completed and minimum licensing requirements have been met. In addition, the department may adopt any rules necessary to ensure that foster parents are suitable for the six-month probationary period. The six-month probationary license may be renewed for one additional six-month period. The department may terminate the probationary license for any reason, at any time.

During the six-month probationary period, the department shall monitor the performance of the foster parents, the nature and extent of their training needs, and their specific strengths, weaknesses, and interests as foster parents. The department shall recommend services to foster parents which assist them in better developing their skills as foster parents."

Renumber the remaining section consecutively

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, it appears to me, that there's an amendment on the desk to perfect, before the striking amendment, and we're now considering a striking amendment unless the Senator wishes to place the perfecting amendment in the striking amendment."

#### REMARKS BY SENATOR VOGNILD

Senator Vognild: "Mr. President, the individual amendment that is here, affects language which is not within the striking amendment, so this--the individual amendment is in itself an amendment that simply strikes. That's all it does, strikes a little bit of language. On page 2, line 3, it strikes two lines. This language that

they're striking is not contained within the striking amendment which I have put up, so it would not affect--"

#### REPLY BY THE PRESIDENT

President Pritchard: "It appears it does affect it, Senator, and this is a perfecting amendment."

#### MOTION

At 12:16 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5525 and the pending amendment by Senators Vognild and Niemi on page 1, beginning on line 5, which was under consideration before the Senate recessed.

There being no objection, the amendment by Senators Vognild and Niemi on page 1, beginning on line 5, was deferred.

#### MOTION

Senator Bailey moved that the following amendment by Senators Bailey and Vognild be adopted:

On page 2, beginning on line 3, after "licenses" strike all material through "or" on line 4

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Bailey and Vognild on page 2, beginning on line 3, to Substitute Senate Bill No. 5525.

#### MOTION

On motion of Senator Bender, Senator Gaspard was excused.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 28; absent, 2; excused, 2.

Voting yea: Senators Bailey, Conner, Fleming, Kreidler, Matson, McMullen, Moore, Murray, Niemi, Rinehart, Saling, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 17.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Madsen, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 28.

Absent: Senators Lee, McDonald - 2.

Excused: Senators DeJarnatt, Gaspard - 2.

There being no objection, the Senate resumed consideration of the amendment by Senators Vognild and Niemi on page 1, beginning on line 5, deferred earlier today.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Vognild and Niemi on page 1, beginning on line 5, to Substitute Senate Bill No. 5525.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 27; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 27.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Gaspard - 2.

## MOTION

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5525 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5525.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West - 37.

Voting nay: Senators Fleming, Kreidler, Matson, Moore, Murray, Niemi, Rinehart, Talmadge, Vognild, Williams, Wojahn - 11.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5525, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

## SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Senate Bill No. 6045 was made a special order of business for 4:55 p.m. today.

## SECOND READING

SENATE JOINT RESOLUTION NO. 8207, by Senators West and Stratton

Immunity for members of Washington guarantee association.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Joint Resolution No. 8207 was substituted for Senate Joint Resolution No. 8207 and the substitute joint resolution was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Joint Resolution No. 8207 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Resolution No. 8207.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8207 and the joint resolution passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8207, having received the constitutional majority was declared passed.

## MOTION

On motion of Senator Matson, Senator McCaslin was excused.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8014, by Senators Benitz, Metcalf, Moore, Barr and Vognild

Promoting the decommercialization of steelhead trout, elk, and deer.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Joint Memorial No. 8014 was substituted for Senate Joint Memorial No. 8014 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8014.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8014 and the joint memorial passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Fleming, Niemi, Smitherman, Talmadge, Warnke - 5.

Absent: Senator Rinehart - 1.

Excused: Senators DeJarnatt, McCaslin - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority was declared passed.

## SECOND READING

SENATE BILL NO. 5895, by Senators Barr, Hansen, Benitz, Patterson and Bauer

Permitting farm vehicles licensed on a monthly basis to purchase trip permits.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5895 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5895.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McCaslin - 2.

SENATE BILL NO. 5895, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6076, by Senators Thorsness, Murray, Barr, Stratton, Metcalf, Saling, McCaslin, Madsen, Warnke, Anderson, Amondson and West

Creating motorcycle public awareness program.

The bill was read the second time.

## MOTIONS

On motion of Senator Thorsness, the following Committee on Transportation amendment was adopted:

On page 1, line 19, after "whom" strike "shall be appointed" and insert "the director shall designate as"

Senator Thorsness moved that the following amendment by Senators Thorsness and Murray be adopted:

On page 3, line 21, after "(2)" insert "The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public safety education account to the department of licensing for the implementation of section 3 of this act.

(3)"

## POINT OF INQUIRY

Senator Madsen: "Senator Talmadge, could you give me an idea of what the revenue source is for the PSEA account and what the revenue is used for?"

Senator Talmadge: "Senator Madsen, the Public Safety and Education Account is paid for out of court fines and fees and forfeitures, civil filing fees, traffic tickets and the like, but my understanding is, that the PSEA is in some financial difficulty and, in fact, there is some request being made to add to the ticket surcharge, because there's not enough money to pay for the present crime victims compensation program."

Further debate ensued.

## WITHDRAWAL OF AMENDMENT

There being no objection, Senator Thorsness withdrew the amendment by Senators Thorsness and Murray on page 3, line 21, to Senate Bill No. 6076.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6076 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6076.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6076 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warmke, West, Williams, Wojahn - 46.

Voting nay: Senator Sutherland - 1.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SENATE BILL NO. 6076, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5871, by Senators Lee and Benitz

Regarding wine retailer's licenses.

The bill was read the second time.

## MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Lee was adopted:

On page 1, line 11, after "selling" insert "or delivery of"

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5871 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5871.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5871 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Paterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Sutherland - 1.

Absent: Senator Vognild - 1.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SENATE BILL NO. 5871, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5842, by Senators Lee, Murray, Cantu, Niemi and Craswell

Excluding certain institutions from the boarding home definition.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 10, after "those" delete "funded" and insert "subsidized"

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 5842 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5842.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5842 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Paterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SENATE BILL NO. 5842, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6033 and the pending striking amendment by Senators Benitz and Stratton, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Sutherland, the President finds that Substitute Senate No. Bill 6033 is a measure which sunsets the Nuclear Waste Board and the Nuclear Waste Advisory Board.

"The amendment proposed by Senators Benitz and Stratton would, among other things, create a new council with different duties and responsibilities, establish different criteria for membership, and provide for a termination date.



"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The striking amendment by Senators Benitz and Stratton to Substitute Senate Bill No. 6033 was ruled out of order.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6033 was deferred.

There being no objection, the Senate resumed consideration of Senate Bill No. 6034 and the pending striking amendment by Senators Benitz and Rasmussen, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 6034 is a measure which addresses changes in personnel administration between the state energy office and the Energy Facility Site Evaluation Council (EFSEC) and also provides that the energy office will provide office space and support for EFSEC.

"The amendment by Senators Benitz and Rasmussen would terminate EFSEC and transfer all its duties to the state energy office.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The striking amendment by Senators Benitz and Rasmussen to Senate Bill No. 6034 was ruled out of order.

#### MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 6034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6034.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Sutherland - 1.

Excused: Senators DeJarnatt, McCaslin - 2.

SENATE BILL NO. 6034, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5499 and the pending amendment by Senator Sellar, on page 3, after line 34, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McMullen, the President finds that Substitute Senate Bill No. 5499 is a measure which requires motor vehicle liability insurance with the specified intent to assure that all persons driving vehicles registered in this state to satisfy certain financial responsibility requirements.

"The amendment proposed by Senator Sellar, provides an incentive for persons to acquire motor vehicle liability insurance by limiting damages which may be recovered, as a result of an automobile accident, by a driver or owner who is not in compliance with the financial responsibility requirements of the act.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Sellar on page 3, after line 34, to Substitute Senate Bill No. 5499 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 3, after line 34, to Substitute Senate Bill No. 5499.

Debate ensued.

The amendment by Senator Sellar was adopted on a rising vote.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5499 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West - 34.

Voting nay: Senators Bender, Conner, Fleming, Matson, McMullen, Moore, Murray, Niemi, Rinehart, Vognild, Warnke, Williams, Wojahn - 13.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6033, deferred earlier today.

#### MOTIONS

On motion of Senator Benitz, the following amendments by Senators Benitz and Williams were considered simultaneously and were adopted:

On page 1, line 12, strike everything through "act." on line 16 and insert the following:

"Sec. 2. Section 5, chapter 19, Laws of 1983 1st ex. sess. as amended by section 6, chapter 161, Laws of 1984 and RCW 43.200.050 are each amended to read as follows:

((+)) An advisory council is hereby established of not less than fifteen members appointed by the governor to provide advice, counsel, and recommendations to the ((board)) department on all aspects of the radioactive waste management program. The council shall particularly advise the ((board)) department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council (~~who shall also serve as chairman of the nuclear waste board~~). Members of the council shall be selected from all areas of the state and shall include a broad range of citizens, representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter. A representative of an affected Indian tribe may be an ex officio nonvoting member of the council. Terms of council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. The governor may appoint a replacement for any council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. The council shall hold its meetings at various locations within the state."

On page 2, line 5, strike subsection (7) entirely.

Renumber the remaining subsections consecutively.

On motion of Senator Benitz, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "affairs," insert "amending RCW 43.200.050;"

On page 1, line 3 of the title, strike "43.200.050."

## MOTION

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute Senate Bill No. 6033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6033.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Moore, Sutherland - 2.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6033, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5809, by Senator Amondson

Regarding shopping center directional signs.

The bill was read the second time.

## MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Amondson was adopted:

On line 22, after "(6)" insert "No more than a total of two directional signs for each shopping center may be erected on any interstate highway or state route;

(7)

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5809 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5809.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5809 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Talmadge - 1.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SENATE BILL NO. 5809, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5214, deferred on third reading March 8, 1989.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5214.  
Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5214 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Saling - 1.

Excused: Senators DeJarnatt, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5214, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5430, by Senator Kreidler

Adding provisions regarding the state retirement systems.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5430 was substituted for Senate Bill No. 5430 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5430 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5430.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5430, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5905, by Senators Benitz, Bender, Amondson, Smitherman, Owen and Anderson

Modifying building code council authority.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5905 was substituted for Senate Bill No. 5905 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the following amendment by Senators Benitz, McMullen, Sutherland, Anderson, Barr, Conner, Madsen, Pullen, Bauer and Craswell was adopted:

On page 1, line 10, after "buildings" strike all material through "units" on line 13 and insert "~~((that consist of four or fewer units;)) that ((do not exceed two)) are less than three stories in height((--that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units))"~~

Senator McMullen moved that the following amendment by Senators McMullen and McCaslin be adopted:

On page 3, after line 18, insert the following:

"(c)(i) Any county or city may adopt an ordinance which allows the construction of owner-built residences in rural areas within their boundaries. For the purposes of this subsection, "owner-built residence" means a residence built by the owner to be occupied as the principal residence of that person or that person's family; and "rural" means a residential or agricultural area zoned for a minimum lot size of one-half of one acre or larger.

(ii) An owner-built residence ordinance must contain the following minimum requirements:

(A) No more than one building permit for an owner-built residence may be issued to a person or that person's spouse or minor children in any ten-year period;

(B) Each person applying for a building permit for an owner-built residence must provide a written statement, as part of his or her building permit application, indicating the applicant's intention to build his or her residence in accordance with the owner-builder ordinance, and stating that the structure constructed under the permit may not be sold, leased, or rented within a period of five years. The statement shall be signed and contain a provision exempting the county from any liability and the statement shall be recorded with the officer required by law to record deeds in the county once the building permit is approved;

(C) No work may be performed by general or specialty contractors, except for foundation work, and except that the owner-builder may employ licensed electricians or plumbers, whose work must comply with the state building code;

(D) Occupancy of the owner-built home shall be allowed only after successful completion of the life-safety inspection;

(E) The owner-builder is required to obtain a state electrical permit, and a sewage disposal permit and a plumbing permit if otherwise required. Permits shall be valid, without renewal, for a maximum period of three years; and

(F) Prior to any contract or agreement to sell, lease, or rent an owner-built dwelling, the seller, lessor or landlord, or his or her agent, shall give the prospective purchaser, tenant, or renter a written notice that the dwelling has been constructed under the provisions of an owner-builder ordinance and may not meet all state building code standards. The notice is required at the first sale, lease, or rental and all subsequent sales, leases, or rentals of the dwelling. Failure to provide notice shall render the contract or agreement void."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McMullen and McCaslin on page 3, after line 18, to Substitute Senate Bill No. 5905.

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

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5905 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Benitz, the question I have is, in King County for example, in multi-family housing, I believe they just adopted by ordinance, a requirement that sprinklers be imposed in those multi-family housing units. Would this bill preclude King County from adopting an ordinance like that, that goes perhaps beyond the building code that you have at the state level?"

Senator Benitz: "It changes the qualifications a bit, but would not leave them wide open."

Senator Talmadge: "I guess I didn't quite understand that response."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5905.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 40.

Voting nays: Senators Bluechel, Fleming, Kreidler, Lee, Rinehart, Talmadge, Wojahn - 7.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5917, by Senators Sellar, Vognild, Matson, Benitz, Bauer, Hansen, Barr, Stratton and Newhouse

Empowering the water quality authority to adopt goals for water and sediment quality set forth in the plan.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5917 was substituted for Senate Bill No. 5917 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved that the following amendment be adopted:

On page 1, line 5, after "authority," strike everything down through and including "RCW," on line 7

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 1, line 5, to Substitute Senate Bill No. 5917.

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

## MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 1, line 8, strike all of NEW SECTION, Sec. 2, and renumber the remaining sections accordingly.

Debate ensued.

## POINT OF INQUIRY

Senator Lee: "Senator Rinehart, is your amendment number three on this page? If the amendment that you have just now proposed fails, would you then be submitting that other amendment? I mean they are both to the same section."

Senator Rinehart: "That is correct."

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 1, line 8, to Substitute Senate Bill No. 5917.

The motion by Senator Rinehart failed and the amendment was not adopted.

## MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 8, after "ecology" strike "shall" and insert "may"

On page 1, line 11, after "necessary" strike "modifications" and insert "recommendations"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Rinehart on page 1, lines 8 and 11, to Substitute Senate Bill No. 5917.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 14; nays, 33; excused, 2.

Voting yea: Senators Bluechel, Conner, Fleming, Gaspard, Kreidler, Lee, McMullen, Moore, Murray, Niemi, Rinehart, Talmadge, von Reichbauer, Williams - 14.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Craswell, Hansen, Hayner, Johnson, Madsen, Matson, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, Warnke, West, Wojahn - 33.

Excused: Senators DeJarnatt, McCaslin - 2.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5917 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5917.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5917 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, Warnke, West, Wojahn - 36.

Voting nay: Senators Bluechel, Fleming, Kreidler, Lee, Moore, Murray, Niemi, Rinehart, Talmadge, von Reichbauer, Williams - 11.

Excused: Senators DeJarnatt, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5917, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5931, by Senators von Reichbauer, Gaspard, McCaslin and McMullen

Creating an amateur athletics commission.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5931 was substituted for Senate Bill No. 5931 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the following amendment was adopted:

On page 2, line 34, after "cooperative means," insert "It is the intent of the legislature that the commission shall be self-supporting and that the expenditure of state funds will not be necessary for the operation of the commission."

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5931 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5931.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Nelson, Niemi, Stratton - 3.

Excused: Senators DeJarnatt, McCaslin, Owen - 3.

INGROSSED SUBSTITUTE SENATE BILL NO. 5931, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5617, by Senator Fleming

Encouraging entering teaching as part of the mathematics, engineering, and science achievement program.

The bill was read the second time.

#### MOTION

On motion of Senator Saling, the rules were suspended, Senate Bill No. 5617 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5617.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5617 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Stratton - 1.

Absent: Senator Patterson - 1.

Excused: Senators DeJarnatt, McCaslin, Owen - 3.

SENATE BILL NO. 5617, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5231, by Senators Pullen, Madsen and Metcalf

Defining "antique firearms."

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 5231 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5231.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5231 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Craswell - 1.

Excused: Senators DeJarnatt, McCaslin - 2.



SENATE BILL NO. 5231, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5797, by Senators Pullen, Bender, von Reichbauer and Amondson

Clarifying when a city or county may modify the building code.

The bill was read the second time.

#### MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 5797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator West: "Senator Smitherman, when you made reference to this being a bill that you'd signed on, and that you thought was a bad bill, weren't you in fact, talking about Senate Bill No. 5905?"

Senator Smitherman: "Yes, I was."

#### PERSONAL PRIVILEGE

Senator Smitherman: "My apologies to the body, as a point of personal privilege, Mr. President. That is correct, and I do apologize for that error."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, is it your intention, by this bill, to over-rule an ordinance like the one that the King County Council adopted that required the installation of sprinklers in multi-family dwellings in order to avoid the hazard of spread of fire?"

Senator Pullen: "You probably ought to address that question to the vice-chairman of the committee, Senator Thorsness, but the particular ordinance you refer to, has been one of those kinds of ordinances that has caused a great deal of chaos. We're dealing with something that has cost a huge amount of money, that has resulted in absolutely zero improvement with regard to safety. That's a perfect example of ordinances that have been well intentioned, but have done nothing but destroy jobs, cause chaos, and not in any way helped with regard to safety."

Senator Talmadge: "In a word, yes."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5797.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West - 35.

Voting nay: Senators Bluechel, Fleming, Kreidler, Lee, Moore, Niemi, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 12.

Absent: Senator Bender - 1.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5797, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5737, by Senators Bailey, Rinehart, Lee, Fleming, Smitherman, Bender, Metcalf and Murray (by request of Superintendent of Public Instruction)

Providing for annual leave for employees of educational service districts.

The bill was read the second time.

## MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5737 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5737.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5737 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 5737, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a point of parliamentary inquiry. Senate Bill No. 5975, the Higher Education Access Bill, is on the second reading calendar for today. As I read the summary of this, it says, 'Under the proposed second substitute that the bill is contingent on funding in the budget.' Mr. President, my inquiry is, would that bill survive the cut-off?"

## REPLY BY THE PRESIDENT

President Pritchard: "This measure would appear to survive the 5:00 p.m. deadline as currently constituted. The bill appears to be a budget implementing measure."

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5624 and the pending amendments by Senator Fleming on page 3, line 2; page 8, line 31; page 28, lines 16 and 17; page 33, line 15 and page 34, lines 15 and 19, deferred, March 14, 1989.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases:

"The amendments proposed by Senator Fleming also deal with some of these same problems, but establish a new program for academic excellence for under-achieving, at-risk students.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senator Fleming to Second Substitute Senate Bill No. 5624 were ruled out of order.

## MOTIONS

On motion of Senator Craswell, the following amendment was adopted:

On page 20, line 34, delete "file" and insert "request that the prosecuting attorney file a petition alleging that a minor is a high risk youth"

On motion of Senator Craswell, the following amendment was adopted:

On page 32, line 8, strike "section \_\_\_\_" and insert "sections 37 through 39"

Senator Vognild moved that the following amendment be adopted:

On page 33, after line 13, insert the following new section:

**"NEW SECTION, Sec. 40.** A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall raise foster care basic rates from current level eighty-five percent level to one hundred percent of the United States Department of Agriculture low-cost standard."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this amendment on scope and object. This is an amendment to require DSHS to raise foster care rates. I don't believe it's appropriate in this bill. The bill doesn't even address the Department of Social and Health Services, and it doesn't address how much we pay foster care parents."

Further debate ensued.

There being no objection, further consideration of the amendment by Senator Vognild on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was deferred.

## MOTION

Senator Wojahn moved that the following amendment by Senator Talmadge be adopted:

On page 33, after line 13, insert the following new section:

**"NEW SECTION, Sec. 41.** A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall bring the current number of homemakers to one hundred per year which represents a three hundred percent increase over current level to meet state-wide need."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this amendment on scope and object. While I highly agree with the program and hope that we'll address it in the budget, I believe it inappropriate in this bill since it's requiring DSHS to increase the number of homemakers and the bill doesn't even address homemakers and doesn't address the Department of Social and Health Services."

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 33, after line 13, insert the following new section:

**"NEW SECTION, Sec. 42.** A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall lower the staff to cases ratio for child protective and child welfare services from current levels which are reported to be as high as one to thirty-four, down to the nationally recommended ratio of one per twenty-five."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this on scope and object for the same reasons given for the other amendments."

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 33, after line 13, insert the following new section:

**"NEW SECTION, Sec. 43.** A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall expand the contracted homebuilders program to Thurston county, King county, Skagit county, and Jefferson county thereby increasing access to services by fifty percent over the current level."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Mr. President, I challenge the amendment on scope and object for the same reasons given for the other amendments."  
Further debate ensued.

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 33, after line 13, insert the following new section:

**NEW SECTION.** Sec. 45. A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall increase the number of regional crisis residential centers by no less than sixteen to improve service access state-wide."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this on scope and object for the same reasons, plus the fact that the local governments are to contract for themselves and the bill does not require crisis residential centers."

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 33, after line 13, insert the following new section:

**NEW SECTION.** Sec. 47. A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall provide emergency services for homeless children which shall include but is not limited to food, shelter, clothing, and medical care."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this amendment on scope and object for the same reasons given to the other amendments."

## MOTION

Senator Vognild moved that the following amendment be adopted:

On page 33, after line 13, insert the following new section:

**NEW SECTION.** Sec. 48. A new section is added to chapter 74.15 RCW to read as follows:  
The department of social and health services shall provide mental health inpatient and outpatient services for high risk youth as defined in section 1(6) of this act."

Renumber the sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Craswell: "Thank you, Mr. President, I challenge this on scope and object for the same reasons for the others, plus it allows provisions for the counties to do that, not the Department of Social and Health Services."

Further debate ensued.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 40) proposed by Senator Vognild, requires DSHS to raise foster care basic rates to 100 percent of the USDA low-cost standard.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The first amendment by Senator Vognild on page 33, after line 13 to Second Substitute Senate Bill No. 5624 was ruled out of order.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 41) proposed by Senator Talmadge, requires DSHS to bring the number of homemakers to one hundred participants.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The first amendment by Senator Talmadge on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was ruled out of order.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 42) proposed by Senator Talmadge, requires DSHS to lower the staff to case ratio for child protective and child welfare services to the nationally recommended ratio.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The second amendment by Senator Talmadge on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was ruled out of order.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 43) proposed by Senator Talmadge, requires DSHS to expand the homebuilders program to Thurston, King, Skagit and Jefferson counties.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The third amendment by Senator Talmadge on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was ruled out of order.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 45) proposed by Senator Talmadge, requires DSHS to increase the number of regional crisis residential centers to no less than sixteen statewide.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The fourth amendment by Senator Talmadge on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was ruled out of order.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 47) proposed by Senator Talmadge, requires DSHS to provide emergency services to homeless children.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The fifth amendment by Senator Talmadge on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was ruled out of order.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Craswell, the President finds that Second Substitute Senate Bill No. 5624 is a measure which establishes new procedures for dealing with youths who are runaways, chronically truant, in conflict with their parents or have serious abuse or chemical dependency problems. These procedures include limited or temporary custody, crisis intervention, court intervention, conditions of supervision and court ordered confinement in certain cases.

"The amendment (New Section, Sec. 48) proposed by Senator Vognild, requires DSHS to provide mental health services for high risk youth as defined in the act.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The second amendment by Senator Vognild on page 33, after line 13, to Second Substitute Senate Bill No. 5624 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 33, after line 13, to Second Substitute Senate Bill No. 5624, which was just ruled to be in order.

Debate ensued.

#### MOTIONS

On motion of Senator Newhouse, further consideration of Second Substitute Senate Bill No. 5624 was deferred.

On motion of Senator Newhouse, the Senate commenced consideration of Senate Joint Resolution No. 8216.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8216, by Senators Hayner, Smitherman, Bluechel, Rasmussen, Newhouse, Cantu, Moore, Benitz, Stratton, McCaslin and Lee

Modifying investment requirements of trust funds.

The joint resolution was read the second time.

#### MOTION

Senator Fleming moved that the following amendments by Senators Fleming and Niemi be considered simultaneously and be adopted:

On page 1, line 9, after "invested" strike "only"

On page 1, line 10, after "risk" strike "and for no other purposes"

Debate ensued.

POINT OF ORDER  
SPECIAL ORDER OF BUSINESS

Senator Newhouse: "Mr. President, I rise to a point of order. We have now reached the time of 4:55 p.m. for the Special Order of Business on Senate Bill No. 6045."

PARLIAMENTARY INQUIRY

Senator Fleming: "Mr. President, a point of parliamentary inquiry. If we've reached the time of 5:00 p.m., and I realize that the precedent has been set, that if we have started work on a measure, that you might be able to go back to that measure to continue after 5:00 p.m. My question to you, Mr. President, does that include one issue, two issues, three issues, or just one?"

REPLY BY THE PRESIDENT

President Pritchard: "One bill."

Senator Fleming: "Thank you, Mr. President."

SECOND READING

SENATE BILL NO. 6045, by Senators Smith, Hayner, Amondson, Rasmussen, Anderson, Nelson, Owen, Thorsness, Craswell, Metcalf, McDonald, West and Barr

Reforming campaign finance and reporting provisions.

The bill was read the second time.

MOTION

Senator McMullen moved that the following amendment be adopted:

On page 1, beginning on line 20, after "dealings" strike all material through "officials" on line 28

The President declared the question before the Senate to be the adoption of the amendment by Senator McMullen on page 1, beginning on line 20, to Senate Bill No. 6045.

The motion by Senator McMullen failed and the amendment was not adopted.

MOTIONS

On motion of Senator Smith, the following amendment was adopted:

On page 4, after line 27, strike all material through and including "is less," on page 5, line 7

On motion of Senator Smith, the following amendment was adopted:

On page 6, line 36, after "campaign," strike all material through and including "office," on page 7, line 8

Senator Vognild moved that the following amendments be considered simultaneously and be adopted:

On page 8, line 11, after "legislature," insert "political action committee."

On page 8, line 23, after "campaign," insert

"(28) Political action committee means any person (except any major party organization or caucus campaign committee) not running for political office having the expectation of receiving contributions and making expenditures in support of, or opposition to, any candidate or any ballot propositions."

Renumber the remaining subsections consecutively

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Vognild on page 8, lines 11 and 23, to Senate Bill No. 6045.

The motion by Senator Vognild carried and the amendments were adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 9, line 34, after "contribution," strike all material down to and including "chapter," on page 10, line 3

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 9, line 34, to Senate Bill No. 6045. The motion by Senator Talmadge carried and the amendment was adopted.

## MOTION

Senator Vognild moved that the following amendment be adopted:

On page 10, line 31, after "chapter." insert

"(6) Political action committees may only accept contributions from individuals. Contributions by individuals will be subject to the same limits as contributions by individuals to other political committees."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 10, line 31, to Senate Bill No. 6045. The motion by Senator Vognild carried and the amendment was adopted.

## MOTION

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 10, line 34, after "continuing" delete "fifteen" and insert "thirty"

On page 11, line 11, after "continuing" delete "fifteen" and insert "thirty"

## MOTION

On motion of Senator Warnke, Senator Bender was excused.

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 11, line 2, after "contributions to any" insert "state or federal"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 11, line 2, to Senate Bill No. 6045.

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

## MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:

On page 11, line 4, after "legislature." strike all material down to and including "legislator." on line 8, and insert "This prohibition does not apply to extraordinary legislative sessions held after the close of a filing period for legislative office and before a general election."

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 11, line 15, after "accept" strike "from any person registered with the commission as a lobbyist"

On page 11, line 17, after "to any" insert "state or federal"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 11, lines 15 and 17, to Senate Bill No. 6045.

The motion by Senator Talmadge carried and the amendments were adopted.

## MOTION

Senator Vognild moved that the following amendment be adopted:

On page 10, line 31, after "chapter." insert the following:

"**NEW SECTION.** Sec. 4. No caucus of the state legislature shall form more than one continuing political committee. The continuing political committee shall be designated as the official caucus campaign committee."

Renumber the remaining sections consecutively

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 10, line 31, to Senate Bill No. 6045.

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



## MOTION

Senator McMullen moved that the following amendments be considered simultaneously and be adopted:

On page 13, line 34, strike "((" and after "chapter for" insert "(("

On page 14, line 6, after ".))" insert "a major political party to make, or for any candidate for state-wide office to accept from a major political party, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars within twenty-one days of a general election.

(9) It is a violation of this chapter for a major political party or a caucus campaign committee to make, or for any candidate for the state senate or state house of representatives to accept from a major political party or a caucus campaign committee, contributions reportable under RCW 42.17.090 in the aggregate exceeding five thousand dollars within twenty-one days of a general election.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McMullen on page 13, line 34, and page 14, line 6, to Senate Bill No. 6045.

The motion by Senator McMullen carried and the amendments were adopted.

## MOTION

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

On page 14, after line 6, insert the following:

"NEW SECTION. Sec. 8. (1) It is a violation of this chapter for any person to sponsor, prepare, or cause to be prepared any political advertising for dissemination within twenty one days of a general election which does not include a photograph of the candidate of whose behalf the political advertising is prepared. The photograph shall be adjacent to the information required by RCW 42.17.510.

(20 Political yard signs are exempt from the requirements of subsection (1). In addition the public disclosure commission shall, by rule, exempt from the requirements of this section forms of political advertising, such as buttons, balloons, and radio, for which inclusion of a photograph is impractical."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and Gaspard on page 14, after line 6, to Senate Bill No. 6045.

The motion by Senator Sutherland failed and the amendment was not adopted on a rising vote.

## MOTIONS

On motion of Senator Smith, the following amendment was adopted:

On page 14, line 19, after "provisions of" strike "14" and insert "2"

Senator Warnke moved that the following amendment be adopted:

On page 15, line 16, after "state" delete everything through "campaign." on line 21, and insert "expense constitutes use of the facilities of a public office for the purpose of assisting a campaign when:

(a) More than ten thousand cumulative letters, brochures, or other pieces of literature are mailed in the eighteen-month period preceding the expiration of his or her term, when not in response to an individual constituent request for a response or information, or;

(b) Any literature is mailed outside the bounds of his or her district when not in response to a citizen request for a response or information."

Renumber remaining subsections consecutively

Debate ensued.

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

Further debate ensued.

## POINT OF INQUIRY

Senator Lee: "Senator Warnke, I'm doing more listening than reading right now, so maybe you can help me out on this particular issue. I understand that this bill applies uniformly and alike to the House and to the Senate?"

Senator Warnke: "Yes."

Senator Lee: "Would that, therefore, mean that a member of the House of Representatives could only have mass mailings during the first six months of their term?"

Senator Warnke: "If that is what the interpretation is after they get through with the bill in the House, that's what it would be."

Senator Lee: "In other words, that could be the affect of this amendment if this were carried all the way through."

Senator Warnke: "I believe you're right."

#### POINT OF INQUIRY

Senator Stratton: "Senator Warnke, how do you plan to police this? Would it be by reducing the mail allowance, because there's an awful lot of postage allowance out there to use up if all of this is stopped."

Senator Warnke: "Yes, the billings, that I believe the Senate receives from printing, would tell by the individual legislator. They know now how many pieces of individual mail we mail out of here, so the Senate would have control of the number of pieces and would let you know when you had reached your cap."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Warnke on page 15, line 16, to Senate Bill No. 6045.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalif, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators Bender, DeJarnatt - 2.

#### MOTION

Senator Smith moved that the following amendment be adopted:

On page 15, beginning on line 33, strike all material through and including "cycle" on page 16, line 7, and insert the following:

"(b) Notwithstanding (a) of this subsection, no political party shall make contributions reportable under RCW 42.17.090:

(i) To any candidate for state-wide office which, when combined with all other contributions from political parties to the same candidate, in the aggregate exceed two hundred fifty thousand dollars in a single election cycle;

(ii) To any candidate for the state senate which, when combined with all other contributions from political parties to the same candidate, in the aggregate exceed twenty-five thousand dollars in a single election cycle; or

(iii) To any candidate for the state house of representatives which, when combined with all other contributions from political parties to the same candidate, in the aggregate exceed twenty-five thousand dollars in a single election cycle.

(c) Notwithstanding (a) of this subsection, no caucus of the state legislature shall make contributions reportable under RCW 42.17.090:

(i) To any candidate for the state senate in the aggregate exceeding twenty-five thousand dollars in a single election cycle; or

(ii) To any candidate for the state house of representatives in the aggregate exceeding twenty-five thousand dollars in a single election cycle."

Renumber the remaining subsections accordingly

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Smith on page 15, beginning on line 33, to Senate Bill No. 6045.

Debate ensued.

## MOTION

On motion of Senate Madsen, Senator Hansen was excused.

## ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Excused: Senators Bender, DeJarnatt, Hansen - 3.

## MOTION

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:

On page 15, line 33, after "no" delete "major Political party"

On page 16, line 1, after "exceeding" delete "two hundred fifty thousand" and insert "one hundred thousand"

On page 16, line 4, after "exceeding" delete "twenty-five thousand" and insert "ten thousand"

On page 16, line 6, after "exceeding" delete "twelve thousand five hundred" and insert "five thousand"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Sutherland on page 15, line 33, and page 16, lines 1, 4 and 6, to Senate Bill No. 6045.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pullen, Rasmussen, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Rinehart, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senators Bender, DeJarnatt - 2.

## MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 16, line 7, after "cycle," insert the following:

"(c) Notwithstanding (a) of this subsection, no major political party state organization shall make contributions reportable under RCW 42.17.090:

(i) To any candidate for state-wide office in the aggregate exceeding fifty thousand dollars in a single election cycle;

(ii) To any candidate for the state senate in the aggregate exceeding five thousand dollars in a single election cycle;

(iii) To any candidate for the state house of representatives in the aggregate exceeding two thousand five hundred dollars in a single election cycle.

(d) Notwithstanding (a) of this subsection, no major political party national, county or district organization shall make contributions reportable under RCW 42.17.090:

(i) To any candidate for state-wide office in the aggregate exceeding ten thousand dollars in a single election cycle;

(ii) To any candidate for the state senate in the aggregate exceeding one thousand dollars in a single election cycle;

(iii) To any candidate for the state house of representatives in the aggregate exceeding five hundred dollars in a single election cycle.

(e) Notwithstanding (a), (c) and (d) of this subsection, no major political party shall contribute more than a cumulative total from all county, district, state and national organizations (excluding legislative caucus campaign committees) to a single candidate or political committee exceeding:

(i) One hundred thousand dollars to any candidate for state-wide office;

- (ii) Twelve thousand dollars to any candidate for the state senate;  
 (iii) Six thousand dollars to any candidate for the state house of representatives."  
 Renumber the remaining subsections consecutively

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Sutherland on page 16, line 7 to Senate Bill No. 6045.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 24; absent, 3; excused, 2.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pullen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Absent: Senators Hansen, Owen, Stratton - 3.

Excused: Senators Bender, DeJarnatt - 2.

#### MOTIONS

On motion of Senator Vognild, the following amendment was adopted:  
 On page 16, line 8, after "political" insert "action"

Senator Murray moved that the following amendment be adopted:

On page 16, line 12, after "exceeding" delete "one hundred dollars" and insert "one dollar for every individual contributor to that political action committee living within Washington State."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 16, line 12, to Senate Bill No. 6045.

The motion by Senator Murray failed and the amendment was not adopted.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 16, after line 13, insert the following:

"(d) Notwithstanding (a) of this subsection, no person residing outside of the state of Washington shall make contributions reportable under RCW 42.17.090 to any candidate, elected official, caucus campaign committee, or in the support of, or in opposition to a ballot proposition, in the aggregate exceeding five hundred dollars in any election cycle."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 16, after line 13, to Senate Bill No. 6045.

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

#### MOTION

On motion of Senator Bauer, Senators McMullen and Owen were excused.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 17, after line 11, insert the following:

(1) No candidate for state-wide office may make contributions or loans of personal funds to his or her campaign fund or political committee in the aggregate exceeding ten thousand dollars in a single election cycle.

(2) No candidate for the state senate may make contributions or loans of personal funds to his or her campaign fund or political committee in the aggregate exceeding five thousand dollars in a single election cycle.

(3) No candidate for the state house of representatives may make contributions or loans of personal funds to his or her campaign fund or political committee in the aggregate exceeding two thousand five hundred dollars in a single election cycle."

Renumber the remaining sections consecutively and correct internal references accordingly

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Sutherland on page 17, after line 11, to Senate Bill No. 6045.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 24; absent, 2; excused, 4.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Kreidler, Madsen, Moore, Murray, Niemi, Pullen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Absent: Senators Hansen, Stratton - 2.

Excused: Senators Bender, DeJarnatt, McMullen, Owen - 4.

#### MOTION

Senator Murray moved that the following amendment be adopted:

On page 17, line 17, after "committee," insert "No corporation or labor organization shall discriminate against any officer or employee in the terms or conditions of employment for the failure to contribute to any candidate, ballot issue, political party, or political committee. Violation of this section is punishable as a gross misdemeanor and by a civil penalty not to exceed five thousand dollars."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 17, line 17, to Senate Bill No. 6045.

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

#### MOTIONS

On motion of Senator Smith, the following amendment was adopted:

On page 19, after line 22, strike all material down through and including "chapter." on page 23, line 15

Senator Smith moved that the following amendments be considered simultaneously and be adopted:

On page 25, line 3, after "committee" strike "~~((of twenty five dollars or more))~~" and insert "of ~~((twenty five))~~ ten dollars or more"

On page 27, line 26, after "person" delete all material through and including "~~contributor~~" on line 28, and insert ": PROVIDED. That contributions of less ~~((that than twenty five))~~ than ten dollars from any one person may be deposited without identifying the contributor"

On page 29, line 9, after "RCW 42.17.067:" delete all material through and including "~~contributor~~;" on line 14, and insert "PROVIDED FURTHER. That contributions of less than ~~((twenty five))~~ ten dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor."

On page 30, line 26, after "contributions" strike "~~((in the aggregate of twenty five dollars or more))~~" and insert "in the aggregate of ~~((twenty five))~~ ten dollars or more"

On page 30, line 31, strike "~~((in the aggregate amount of twenty five dollars or more))~~" and insert "in the aggregate amount of ~~((twenty five))~~ ten dollars or more"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Smith on page 25, line 3; page 27, line 26; page 29, line 9; page 30, lines 26 and 31, to Senate Bill No. 6045.

The motion by Senator Smith carried and the amendments were adopted.

#### MOTION

Senator Smith moved that the following amendment be adopted:

On page 32, beginning on line 32, strike all of "NEW SECTION, Sec 23."

Renumber the remaining sections accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Smith on page 32, beginning on line 32, to Senate Bill No. 6045.

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

#### MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 35, after line 16, insert the following:

**\*NEW SECTION, Sec. 27.** The sum of five hundred fifteen thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to carry out the purposes of this act.\*

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gaspard on page 35, after line 16, to Senate Bill No. 6045.

The motion by Senator Gaspard failed and the amendment was not adopted.

#### MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 35, after line 16, insert the following:

**\*NEW SECTION, Sec. 27.** The senate law and justice committee shall investigate the compliance of the Washington Policy PAC and its officers with chapter 42.17 RCW, including but not limited to the sources of funds received, its contributions and expenditures. The committee shall report its findings and recommendations to the senate by January 1, 1990.\*

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 35, after line 16, to Senate Bill No. 6045.

#### MOTION

On motion of Senator Warnke, Senator Rinehart was excused.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 24; absent, 2; excused, 5.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Kreidler, Madsen, Moore, Murray, Niemi, Pullen, Rasmussen, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 18.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Absent: Senators Hansen, Stratton - 2.

Excused: Senators Bender, DeJarnatt, McMullen, Owen, Rinehart - 5.

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Murray be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION, Sec. 1.** The legislature finds that:

(1) The costs of campaigns for state offices and the size of contributions to candidates for state offices have skyrocketed in recent years;

(2) Under the decisions of the United States supreme court, statutory limits on campaign expenditures by candidates are only permissible when accomplished by agreements under which candidates agree to the limits in exchange for public financing for their campaigns;

(3) The perpetuation of a democracy requires the participation of its citizens; and

(4) Limitations on contributions to, and limited public financing of, campaigns for elective office are necessary to prevent the appearance of large contributors' obtaining disproportionate influence over the decisions of elected representatives and to ensure the participation of the citizens of this state in the election process.

## CAMPAIGN EXPENDITURE LIMITATIONS AND MATCHING FUNDS

**NEW SECTION.** Sec. 2. The definitions under RCW 42.17.020 apply to sections 2 through 20 of this act except as modified by this section. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 20 of this act:

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

(2) "Bona fide political party" means an organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW or the governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party.

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

(a) Announces publicly or files for the office;

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

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

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

(5) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration, made for the purpose of influencing an election for state office. "Contribution" does not include:

(a) Interest on moneys deposited in a political committee's account;

(b) Ordinary home hospitality;

(c) The rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. "Part-time" services, for these purposes, means services in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends; or

(d) A loan, payment, pledge, or transfer of anything of value owned by the candidate to the candidate's authorized political committees.

Contributions other than money or its equivalents are deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions. However, the amount of any such contribution may be reduced for the purpose of complying with the requirements of sections 2 through 20 of this act, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables is a contribution. The money value of contributions of postage is the face value of the postage.

(6) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office or seat that the candidate seeks and ending on November thirtieth after the next election for the office or seat.

(7) "Eligible candidate" means a candidate for a state office who is eligible under section 3 of this act to receive payments under this subchapter.

(8) "General election" means the election that directly results in the election of a person to a state office. It does not include a primary.

(9) "General election period" means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the laws of this state and ending on November thirtieth after the date of the general election or on the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first.

(10) "Immediate family" means a candidate's spouse, and a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate and the spouse of such a person, and a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of such a person.

(11) "Labor organization" means an organization, agency, or employee committee that exists for the purpose, in whole or in part, of representing employees in dealings with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(12) "Major party" means a major political party as defined in RCW 29.01.090.

(13) "Minor party" means a minor political party as defined in RCW 29.01.100.

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

(15) "Primary period" means the period beginning on the first day of December after the date of the last election for the office and ending on the tenth day after the next primary conducted for the office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first.

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

(17) "State campaign fund" or "fund" means the election campaign fund of this state established in section 10 of this act.

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

(19) "State office" means the office of a member of the state legislature or of governor or of any other elective state executive officer.

**NEW SECTION, Sec. 3.** To be eligible to receive payments under this subchapter (sections 2 through 14 of this act) a candidate shall, within seven days after qualifying for the general election ballot under state law:

(1) Certify to the commission under penalty of perjury that the candidate qualifies for the general election ballot for a state office and that, as of the date of this certification, the candidate and the authorized committees of the candidate have received contributions in a threshold amount of at least:

(a) For a campaign for the office of governor, one hundred thousand dollars;

(b) For a campaign for state executive office other than the office of governor, twenty thousand dollars;

(c) For a campaign for the office of a member of the state senate, ten thousand dollars; and

(d) For a campaign for the office of a member of the state house of representatives, five thousand dollars;

(2) Certify to the commission under penalty of perjury that all contributions received for the purposes of subsection (1) of this section satisfy section 5 of this act;

(3) Certify to the commission under penalty of perjury that the candidate and the authorized committees of the candidate have not made expenditures for the primary that exceed the expenditure limitation for the primary established in section 4(1) of this act for the office sought by the candidate if a primary is conducted for the office;

(4) Agree in writing that the candidate and the candidate's authorized committees:

(a) Have not made and will not make expenditures for the general election that exceed the expenditure limitation for the general election established in section 4(1) of this act for the office sought by the candidate;

(b) Have not accepted and will not accept during the election cycle contributions from political committees, corporations, or labor organizations that in the aggregate exceed forty percent of the following amount: The sum of the expenditure limits applicable to the candidate under section 4(1) (a) and (b) of this act minus the total of all public funds that may legally be distributed to the candidate and the candidate's authorized committees from the state campaign fund for the election. This subsection (b) does not apply to contributions from a bona fide political party, a caucus of the state legislature, or a candidate's authorized committee;

(c) Will deposit all payments received under this section in a separate checking account that shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on that account. The account shall be in a financial institution located in this state whose deposits are insured by the federal deposit insurance corporation, federal savings and loan insurance corporation, or national credit union administration;

(d) Will furnish campaign records, evidence of contributions, and other appropriate information to the commission;

(e) Will cooperate in the case of any audit and examination by the commission under section 11 of this act; and

(f) Will apply to the commission for a payment as provided for in section 9 of this act.

**NEW SECTION, Sec. 4.** (1)(a) The expenditure limit for a primary for a candidate for state office who agrees to the limitations established in this subchapter in exchange for matching funds from the state campaign fund for the general election is the greater of: (i) The base amount established for the office sought under subsection (2) of this section; or (ii) the base amount plus the amounts applicable to the candidate under subsections (3) and (4) of this section.

(b) The expenditure limit for a general election for a candidate for state office who agrees to the limitations established in this subchapter in exchange for matching funds from the state campaign fund is the greater of: (i) The base amount established for the office sought under subsection (2) of this section; or (ii) the base amount plus the amounts applicable to the candidate under subsection (3) of this section and under subsection (4) or (5) of this section.

(2) The base amount referred to in subsection (1) of this section is:

(a) For the office of governor, one million dollars;



(b) For a state executive office other than the office of governor, three hundred thousand dollars;

(c) For the office of a member of the state senate, forty thousand dollars;

(d) For the office of a member of the state house of representatives, twenty-five thousand dollars.

(3) If, during the twelve months before the election in which the candidate is seeking office, independent expenditures by a person or persons aggregating more than an amount equal to ten percent of the base amount established in subsection (2) of this section for the office sought are made in opposition to the candidate or for an opposing candidate, the expenditure limitation applicable to the candidate (not the opposing candidate) is increased by an amount equal to the amount of the independent expenditures. The candidate (not the opposing candidate) may choose to apply this amount to the candidate's expenditure limitation for the primary or for the general election or may choose to apply a portion of the amount to the primary expenditure limitation and the remaining portion to the expenditure limitation for the general election.

(4) (a) If, during the election cycle in which the candidate is seeking state office, any other candidate for the office sought by the candidate receives contributions aggregating more than the sum of the expenditure limitations applicable to that other candidate under subsections (1) (a) and (b) of this section, the expenditure limitation applicable to the candidate (not the other candidate) is increased by an amount equal to the base amount established for the office sought; or

(b) If, during the primary period preceding the election, any other candidate for the office sought by the candidate makes expenditures that exceed the expenditure limitation applicable to that other candidate under subsection (1) (a) of this section, the expenditure limitation for the candidate (not the other candidate) for the primary is increased by an amount equal to the base amount established for the office sought.

For the purposes of this subsection (4), the amounts applicable to such an "other" candidate are those that could not be exceeded for that candidate to qualify for moneys from the state campaign fund.

(5) If a candidate agrees to accept the expenditure limits in exchange for public matching funds under section 3 of this act within seven days after qualifying for the general election ballot, but an opposing candidate does not so agree, then the expenditure limitation for the general election as it applies to the candidate (not the opposing candidate) is increased by an amount equal to the base amount established for the office sought. This subsection applies only if: (a) The candidate is a major party candidate, or the candidate is an independent or minor party candidate who received more than fifteen percent of the votes cast for the office at the preceding primary; and (b) the opposing candidate under this subsection is a major party candidate, or the opposing candidate is an independent or minor party candidate who received more than fifteen percent of the votes cast for the office at the preceding primary.

(6) For the purposes of this subchapter, the expenditures made and the contributions received by a candidate and the expenditures made and the contributions received by each of the authorized committees of the candidate are considered to be expenditures made and contributions received by the candidate.

**NEW SECTION.** Sec. 5. For a contribution received by a candidate or the candidate's authorized committees to qualify as being one that satisfies the requirements of section 3(1) of this act for raising a threshold amount of contributions or to qualify to be matched by public moneys from the state campaign fund under section 8 of this act, the contribution must satisfy each of the following requirements:

(1) The contribution must be a gift of money made by a written instrument that identifies the person making the contribution;

(2) The contribution must be made directly to the candidate, or the candidate's authorized committees. Contributions made through any other person do not count. This subsection does not apply to bona fide joint fund-raising efforts conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, under rules adopted by the commission, by: (a) Two or more candidates, or (b) one or more candidates and one or more national, state, or local committees of a political party acting on their own behalf;

(3) The contribution must have come from an individual or individuals residing in the state of Washington or from another entity or entities whose principal offices for conducting the activities of the entities are located within this state;

(4) A contribution from a person shall not exceed two hundred dollars when added to the total amount of all other contributions made by the person to or for the benefit of the candidate. This provision applies to contributions during the period specified in subsection (5) of this section;

(a) For the purposes of this subsection, all contributions by one person who is controlled by any other person shall be considered to have been made by such other person. Without limiting its scope and effect whatsoever, this general rule means that: (i) A contribution by a subsidiary, branch, division, department, or local unit of an association shall be considered to

have been made by the association, and (ii) a contribution by a political committee controlled by a person shall be considered to be a contribution by that person;

(b) The provisions of (a) of this subsection shall not be construed as applying to the relationship between an individual and the spouse of the individual or to the relationship between a bona fide political party and a district or county organization of that party or a caucus of the state legislature of the members of that party;

(c) In determining whether a person is controlled by any other person for the purposes of (a) of this subsection, the following shall, if applicable, be considered:

(i) Ownership of a controlling interest in voting shares or securities;

(ii) Provisions of bylaws, articles of incorporation, charters, constitutions, or other documents by which one person has the authority, power, or ability to direct another;

(iii) The authority, power, or ability to hire, appoint, discipline, discharge, demote, remove, or influence the decision of the officers or members of an entity;

(iv) Similar patterns or contributions; and

(v) The extent of the transfer of funds between the persons.

(5) The contribution must be received on or after January 1st of the calendar year before the year in which the general election involved is held and by the date on which the general election involved is held. However, in the case of a special election for a state office, the contribution must be received on or after the date on which the vacancy occurs in that office and by the date on which the general election involved is held.

**NEW SECTION.** Sec. 6. (1) A candidate who receives a payment from the state campaign fund for use in a general election under this subchapter shall not make expenditures during the primary period or during the general election period for the candidate's primary or general election campaign from the personal funds of the candidate, or the funds of any member of the immediate family of the candidate, aggregating in excess of three percent of the expenditure limit established by section 4(1) of this act for the office sought. For the purposes of this subsection, a loan by a candidate or a member of the immediate family of the candidate to the campaign of the candidate is considered to be an expenditure by the candidate.

(2) A candidate who receives, either directly or through the authorized committees of the candidate, a payment from the state campaign fund for use in a general election under this subchapter and the authorized committees of the candidate shall not make expenditures for the general election that in the aggregate exceed the expenditure limit in section 4(1)(b) of this act.

(3) A candidate who receives, either directly or through the candidate's authorized committees, a payment from the state campaign fund shall not accept or use during the election cycle contributions from political committees, corporations, or labor organizations that in the aggregate exceed forty percent of the following amount: The sum of the expenditure limits applicable to the candidate under section 4(1) (a) and (b) of this act minus the total of all public funds that may legally be distributed to the candidate and the candidate's authorized committees from the state campaign fund for the election. This subsection does not apply to contributions from a bona fide political party, a caucus of the state legislature, or a candidate's authorized committee.

(4) For the purposes of this subchapter, a contribution received within the twelve-month period after a general election for a state office is considered to be a contribution during the election cycle for the state office. This subsection only applies to the extent the contribution is used to pay a debt or obligation incurred to influence the outcome of that election.

**NEW SECTION.** Sec. 7. At the beginning of each calendar year, the commission shall increase or decrease the threshold amounts established in section 3(1) of this act, the base amounts established in section 4(2) of this act, and the campaign contribution limitations established in section 16 of this act based on changes in economic conditions as reflected in the inflationary index used by the commission under RCW 42.17.370. The base year to be used for revisions made under this section is 1989.

**NEW SECTION.** Sec. 8. (1) Except as provided in subsections (3) and (4) of this section, an eligible candidate is entitled to payments from the state campaign fund equal to:

(a) (i) One dollar for each qualifying dollar received by the candidate as a contribution for the election campaign of the candidate if the expenditure limitation applicable to the candidate is not increased under section 4 (4) or (5) of this act; or (ii) two dollars for each qualifying dollar received by the candidate as a contribution for the election campaign of the candidate if the expenditure limitation applicable to the candidate is so increased. A qualifying dollar is one that satisfies all provisions of section 5 of this act regarding contributions; and

(b) The aggregate amount of independent expenditures made or obligated to be made during the twelve months before the election by any person in opposition to, or on behalf of an opponent of, the eligible candidate if that amount exceeds ten percent of the base amount established in section 4 (2) of this act for the office sought.

(2) Payments received by a candidate under this section shall be deposited as required in section 3 (4) (c) of this act and shall be used to pay for goods and services furnished during the election period for which the payments were received. The payments shall not be used:

(a) To make a payment, directly or indirectly, to the candidate or to a member of the immediate family of the candidate;

(b) To make an expenditure other than an expenditure to further the election of the candidate;

(c) To make an expenditure that constitutes a violation of a law of the United States or of the state; or

(d) To repay a loan to a person except to the extent the proceeds of the loan were used to further the general election of the candidate.

(3) A candidate is not eligible to receive payments from the state campaign fund for a general election for an office unless:

(a) At least two major party candidates qualify under state law for the same general election ballot for the same office; or

(b) One major party candidate and one or more independent or minor party candidates qualify under state law for the same general election ballot for the same office and at least one of those independent or minor party candidates received more than fifteen percent of the votes cast for the office at the preceding primary.

(4) (a) Except as provided in (b) of this subsection, the sum of all payments from the state campaign fund to a candidate for a general election may not exceed the following amounts for the office sought:

(i) For the office of governor, three hundred thousand dollars;

(ii) For state executive office other than the office of governor, one hundred thousand dollars;

(iii) For the office of a member of the state senate, fifteen thousand dollars;

(iv) For the office of a member of the state house of representatives, ten thousand dollars.

(b) If the expenditure limitation applicable to the candidate is increased under section 4 (4) or (5) of this act, the amount listed for the office sought by the candidate in (a) of this subsection shall be doubled as it applies to the candidate. If the expenditure limitation applicable to the candidate is increased under section 4(3) of this act as a result of independent expenditures, the amount listed for the office sought by the candidate in (a) of this subsection or double that amount as provided by this subsection, as it applies to the candidate, shall be increased by an amount equal to those independent expenditures.

**NEW SECTION.** Sec. 9. No later than two business days after an eligible candidate files a request with the public disclosure commission to receive payments under this section, the commission shall determine whether the candidate is eligible to receive payments from the state campaign fund and, if the candidate is eligible to receive such payments, pay to the candidate from the fund the full amount to which the candidate is entitled.

A candidate desiring such payments shall file a request with the commission that shall contain:

(1) Such information and be made in accordance with such procedures as the commission may provide by rule; and

(2) A verification signed by the candidate and the treasurer of the principal campaign committee of the candidate stating that the information furnished in support of the request, to the best of the knowledge of each, is correct and fully satisfies the requirements of this subchapter.

**NEW SECTION.** Sec. 10. The state election campaign fund is established in the custody of the state treasurer. The fund is not subject to appropriation. The fund is subject to the allotment procedure provided under chapter 43.88 RCW. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to this fund. Moneys appropriated by the legislature to the fund and interest and other payments to the fund under this subchapter shall be disbursed by the commission in the form of the payments to eligible candidates for state office as authorized by this subchapter.

**NEW SECTION.** Sec. 11. (1) After each general election, the commission shall conduct such examinations and audits of the campaign accounts of eligible candidates who received payments from the state campaign fund for the general election and of their authorized committees as are sufficient to determine, among other things, whether candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this subchapter.

(2) If the commission determines that any portion of the payments made to a candidate under this subchapter was in excess of the amount to which the candidate was entitled, the commission shall so notify the candidate, and the candidate shall pay to the commission an amount equal to the excess.

(3) If the commission determines that any amount of a payment made to a candidate under this subchapter was not used as provided for in this subchapter, the commission shall so notify the candidate and the candidate shall pay to the commission a sum equal to two hundred percent of the amount.

(4) If the commission determines that a candidate who has received payments under this subchapter has made expenditures that in the aggregate exceed the limitation under section 4(1) of this act by not more than five percent, the commission shall so notify the candidate and

the candidate shall pay to the commission an amount equal to the amount of the excess expenditure.

(5) If the commission determines that a candidate who has received payments under this subchapter has made expenditures that in the aggregate exceed by more than five percent the limitation set forth in section 4(1) of this act, the commission shall so notify the candidate and the candidate shall pay the commission an amount equal to three times the amount of the excess expenditure. However, a candidate shall not be required to pay the commission any amount in excess of the aggregate of payments received by the candidate for the election.

(6) Within sixty days after the date of the general election for which the payment was received, the candidate shall return to the commission any unexpended funds received by the candidate under this subchapter. The commission may adopt exceptions to this requirement for instances where debts are in dispute.

(7) Notification shall not be made by the commission under this section with respect to a general election more than three years after the date of such an election.

(8) The commission shall deposit all moneys received under this section in the state election campaign fund.

**NEW SECTION, Sec. 12.** (1) It is unlawful for a candidate to accept public payments under this subchapter that the candidate knows are in excess of the aggregate payments to which the candidate is entitled.

(2) It is unlawful for a candidate who has received public payments under this subchapter or for an officer, member, employee, or agent of a political committee for the candidate, knowingly:

(a) To use or transfer funds for any purpose prohibited by section 8(2) of this act; or

(b) To make expenditures that he or she knows exceed the expenditure limitation applicable under section 4 of this act.

(3) It is unlawful for a person:

(a) To furnish to the commission under this subchapter evidence, books, or information (including a certification, verification, notice, or report) that the person knows is false, fictitious, or fraudulent, or to include in evidence, books, or information so furnished a misrepresentation of a material fact, or to falsify or conceal evidence, books, or information relevant to a payment by the commission or an examination and audit by the commission under this subchapter; or

(b) To fail to furnish to the commission any records, books, or information requested by it for purposes of this subchapter.

(4) It is unlawful for a person to accept a payment if the person knows that the payment is in violation of section 8(2) of this act or knows that it is in excess of the expenditure limitation applicable under section 4 of this act.

(5) Conduct that is unlawful under this section is a crime, punishable as a class C felony under chapter 9A.20 RCW.

**NEW SECTION, Sec. 13.** (1) Action taken by the commission under this subchapter is subject to review by the superior court in accordance with chapter 34.05 RCW. The court shall advance on the docket and expeditiously take action on all petitions filed under this subchapter.

(2) The commission may, through the attorney general, institute actions in the superior court to seek recovery of amounts determined under section 11 of this act to be payable to the commission.

**NEW SECTION, Sec. 14.** (1) The commission shall, as soon as practicable after each election, submit a full report to the governor and the legislature setting forth:

(a) The expenditures made by each eligible candidate and the authorized committees of each candidate, shown in such detail as the commission determines appropriate;

(b) The amounts paid by the commission under section 9 of this act to each eligible candidate;

(c) The amount of repayments, if any, required under section 11 of this act, and the reasons for each payment required; and

(d) The balance in the state election campaign fund and any account maintained in the fund.

(2) The commission may adopt such rules in accordance with chapter 34.05 RCW, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this subchapter.

#### CAMPAIGN CONTRIBUTION LIMITATIONS

**NEW SECTION, Sec. 15.** The definitions in section 2 of this act apply to this subchapter (sections 15 through 20 of this act).

The definitions in RCW 42.17.020 apply to this subchapter to the extent that they are consistent with the definitions in section 2 of this act.

**NEW SECTION, Sec. 16.** (1) No person, other than a bona fide political party or a caucus of the state legislature, may make contributions during an election cycle that in the aggregate exceed: (a) One thousand dollars to a candidate for state legislative office; (b) five thousand

dollars to a candidate for governor; or (c) two thousand five hundred dollars to a candidate for a state executive office other than the office of governor.

(2) No person, other than a bona fide political party or a caucus of the state legislature, may make contributions during a recall campaign that in the aggregate exceed: (a) One thousand dollars to a state legislator against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a state legislator; (b) five thousand dollars to a governor against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of the governor; or (c) two thousand five hundred dollars to a state executive officer other than governor against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of such other state executive officer.

(3) During an election cycle, no bona fide political party may make contributions that in the aggregate exceed and no caucus of the state legislature may make contributions that in the aggregate exceed: (a) Two thousand dollars to a candidate for state legislative office; (b) ten thousand dollars to a candidate for governor; or (c) five thousand dollars to a candidate for a state executive office other than the office of governor.

(4) During a recall campaign, no bona fide political party may make contributions that in the aggregate exceed and no caucus of the state legislature may make contributions that in the aggregate exceed: (a) Two thousand dollars to a state legislator against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a state legislator; (b) ten thousand dollars to a governor against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of the governor; or (c) five thousand dollars to a state executive officer other than governor against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of such other state executive officer.

(5) No candidate for state office may accept contributions from political committees, corporations, or labor organizations that in the aggregate exceed forty percent of the total of all contributions received by the candidate during the election cycle. No state elected official against whom recall charges have been filed and no political committee having the expectation of making expenditures in support of the recall of a state elected official may accept contributions from political committees, corporations, or labor organizations that in the aggregate exceed forty percent of the total of all contributions received by the elected official or political committee during the recall campaign. This subsection does not apply to contributions from a bona fide political party, a caucus of the state legislature, or a candidate's authorized committee.

(6) For the purposes of this subchapter, a contribution to an authorized political committee of a candidate, or of a state elected official against whom recall charges have been filed, is considered to be a contribution to the candidate or state elected official.

(7) A contribution received within the twelve-month period after a general election for a state office or for a recall election concerning a state office, is considered to be a contribution during the election cycle for the state office or during the recall campaign. This subsection only applies to the extent the contribution is used to pay a debt or obligation incurred to influence the outcome of that election.

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

**NEW SECTION.** Sec. 17. Children under eighteen years of age may make contributions to the extent authorized in section 16 of this act only if:

(1) The decision to contribute is made knowingly and voluntarily by the child;

(2) The funds, goods, or services contributed are owned or controlled exclusively by the child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(3) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

**NEW SECTION.** Sec. 18. (1) For purposes of the contribution limitations in section 16 of this act: All contributions by a person who is controlled by any other person are considered to have been made by such other person. This section shall not be construed as applying to the relationship between an individual and the spouse of the individual or to the relationship between a bona fide political party and a district or county organization of that party or a caucus of the state legislature of the members of that party.

(2) Without in any manner limiting its scope and effect, the general rule under subsection (1) of this section means that:

(a) A contribution by a subsidiary, branch, division, department, or local unit of a association is considered to have been made by the association; and

(b) A contribution by a political committee controlled by a person is considered to be a contribution by that person.

(3) In determining whether a person is controlled by any other person for the purposes of subsection (1) of this section, the following shall, if applicable, be considered:

- (a) Ownership of a controlling interest in voting shares or securities;
- (b) Provisions of bylaws, articles of incorporation, charters, constitutions, or other documents by which one person has the authority, power, or ability to direct another;
- (c) The authority, power, or ability to hire, appoint, discipline, discharge, demote, remove, or influence the decision of the officers or members of an entity;
- (d) Similar patterns of contributions; and
- (e) The extent of the transfer of funds between the persons.

**NEW SECTION.** Sec. 19. All contributions made by a person, either directly or indirectly, to a candidate, to a state elected official against whom recall charges have been filed, or to a political committee expecting to make expenditures in support of the recall of a state elected official are considered to be contributions from such person to the candidate, state elected official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state elected official, or political committee. For purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, express or implied, or oral or written, that is intended to result in or that does result in all or any part of a contribution being made to a certain candidate or state elected official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state elected official, the contribution is considered to be by both the original contributor and the conduit or intermediary.

**NEW SECTION.** Sec. 20. (1) No person may make or accept a contribution that he or she knows, or has reason to know, violates any provision of sections 15 through 19 of this act. A person who violates this subsection is subject to a civil penalty, imposed by the commission, of up to double the amount of the contribution. This civil penalty is in addition to any other penalty prescribed under this chapter.

(2) A contribution received in excess of the limits prescribed in section 16 of this act escheats to the state of Washington unless, within ten days of its receipt, the recipient of the contribution returns it to the contributor.

Sec. 21. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

- (a) Exceeds five hundred dollars;
- (b) Is from a single person or entity;
- (c) Is received before a primary or general election; and
- (d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

- (5) The special report shall include at least:
  - (a) The amount of the contribution;
  - (b) The date of receipt;
  - (c) The name and address of the donor;
  - (d) The name and address of the recipient; and
  - (e) Any other information the commission may by rule require.
- (6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

~~((6) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or~~

~~exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major political party as defined in RCW 29.01.090.))~~

NEW SECTION. Sec. 22. Contributions made and received before the effective date of this act are not considered to be contributions under sections 2 through 20 of this act.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act shall take effect on January 1, 1990.

NEW SECTION. Sec. 25. Sections 2 through 14 of this act shall be added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of "campaign expenditure limitations and matching funds."

NEW SECTION. Sec. 26. Sections 15 through 20 of this act shall be added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of "campaign contribution limitations."

NEW SECTION. Sec. 27. Subchapter headings used in this act do not constitute any part of the law."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Talmadge and Murray to Senate Bill No. 6045.

#### MOTION

On motion of Senator Bauer, Senator Warnke was excused.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 25; absent, 1; excused, 6.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Kreidler, Madsen, Moore, Murray, Niemi, Pullen, Rasmussen, Smitherman, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 17.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, West - 25.

Absent: Senator Hansen - 1.

Excused: Senators Bender, DeJarnatt, McMullen, Owen, Rinehart, Warnke - 6.

#### MOTION

On motion of Senator Newhouse, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "42.17.100," strike "19.09.100."

On page 1, line 4 of the title, after "42.17.090;" delete "adding a new section to chapter 19.09 RCW;"

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6045 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6045.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 37.

Voting nay: Senators Madsen, Pullen, Talmadge, Williams, Wojahn - 5.

Absent: Senator Hansen - 1.

Excused: Senators Bender, DeJarnatt, McMullen, Owen, Rinehart, Warnke - 6.

ENGROSSED SENATE BILL NO. 6045, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 8216 and the pending amendments by Senators Fleming and Niemi on page 1, lines 9 and 10, deferred before the special order of business at 4:55 p.m.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. How did we get on that? I had seen you have your finger up on one bill when Senator Fleming--"

#### REPLY THE PRESIDENT

President Pritchard: "And this is the one bill."

Senator Rasmussen: "I thought it was Senate Bill No. 6045."

President Pritchard: "No, that was continuing business."

Senator Rasmussen: "This is the one bill?"

President Pritchard: "This is the one bill, yes."

Senator Rasmussen: "Keep that finger up in the air, Mr. President."

#### WITHDRAWAL OF AMENDMENTS

There being no objection, Senator Fleming withdrew the amendments on page 1, lines 9 and 10, to Senate Joint Resolution No. 8216.

#### MOTION

Senator Fleming moved that the following amendment by Senators Fleming and Niemi be adopted:

On page 1, line 13, after "premiums," insert "No trust funds shall be invested in countries with apartheid policies or in companies doing business in such countries."

Debate ensued.

#### MOTION

Senator Amondson moved that the following amendment by Senators Amondson, Thorsness, Pullen and Craswell to the amendment by Senators Fleming and Niemi be adopted:

On line 2 of the Fleming/Niemi amendment, after "with" and before "apartheid" insert "communist or"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Amondson, Thorsness, Pullen and Craswell on line 2, to the amendment by Senators Fleming and Niemi to Senate Joint Resolution No. 8216.

#### ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 23; nays, 15; absent, 5; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Craswell, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 23.

Voting nay: Senators Conner, Fleming, Gaspard, Kreidler, Lee, Madsen, Moore, Murray, Niemi, Rasmussen, Smitherman, Talmadge, Vogndild, Williams, Wojahn - 15.

Absent: Senators Bauer, Benitz, Bluechel, Hansen, Patterson - 5.

Excused: Senators Bender, DeJarnatt, McMullen, Owen, Rinehart, Warnke - 6.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fleming and Niemi on page 1, line 13, as amended, to Senate Joint Resolution No. 8216.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Fleming and Niemi on page 1, line 13, as amended, to Senate Joint Resolution No. 8216.



## MOTION

On motion of Senator Gaspard, Senator Wojahn was excused.

## ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 14; nays, 27; absent, 1; excused, 7.

Voting yea: Senators Conner, Fleming, Gaspard, Kreidler, Madsen, Moore, Murray, Niemi, Pullen, Smitherman, Talmadge, Vognild, von Reichbauer, Williams - 14.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, West - 27.

Absent: Senator Hansen - 1.

Excused: Senators Bender, DeJarnatt, McMullen, Owen, Rinehart, Warnke, Wojahn - 7.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Joint Resolution No. 8216 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8216.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8216 and the joint resolution failed to receive the constitutional majority by the following vote: Yeas, 32; nays, 9; absent, 1; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, West - 32.

Voting nay: Senators Conner, Fleming, Gaspard, Kreidler, Murray, Niemi, Talmadge, Vognild, Williams - 9.

Absent: Senator Hansen - 1.

Excused: Senators Bender, DeJarnatt, McMullen, Owen, Rinehart, Warnke, Wojahn - 7.

SENATE JOINT RESOLUTION NO. 8216, having failed to receive the constitutional majority was declared lost.

## MOTION

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

## MOTIONS

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Second Substitute House Bill No. 1180.

On motion of Senator Newhouse, Second Substitute House Bill No. 1180 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1666.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1666 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Engrossed House Bill No. 1917.

On motion of Senator Newhouse, Engrossed House Bill No. 1917 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Substitute House Bill No. 1963.

On motion of Senator Newhouse, Substitute House Bill No. 1963 was referred to the Committee on Children and Family Services.

## MOTION

At 7:30 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, March 17, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SIXTY-EIGHT DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 17, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Amy McMullen and Eric Frahm, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 16, 1989

HB 1138 Prime Sponsor, Representative Baugher: Creating a honey bee commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 16, 1989

SHB 1168 Prime Sponsor, Committee on Judiciary: Revising the uniform estate tax apportionment act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 16, 1989

SHB 1169 Prime Sponsor, Committee on Judiciary: Regulating disclaimers of interest by beneficiaries. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1170 Prime Sponsor, Representative Padden: Changing provisions relating to the exercise of the power of appointment. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 16, 1989

ESHB 1173 Prime Sponsor, Committee on Judiciary: Revising nonclaim statutes. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1350 Prime Sponsor, Representative Inslee: Revising marital deduction gifts and survivorship requirements. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

March 15, 1989

HB 1621 Prime Sponsor, Representative Belcher: Adding an additional factor of past, present, and future earning capacity into the spousal maintenance determination. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; Madsen, Nelson, Niemi, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

March 16, 1988

GA 9051 BEVERLY J. OGBURN, reappointed August 4, 1988, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules.

March 17, 1988

GA 9055 DOLORITA K. REANDEAU, reappointed September 28, 1988, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules.

March 17, 1988

GA 9082 LARRY WATKINSON, appointed September 28, 1988, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules.

March 16, 1988

GA 9122 JAMES CASON, appointed February 24, 1989, for a term ending December 31, 1991, as a member of the State Investment Board, succeeding Bob Panther.  
Reported by Committee on Financial Institutions and Insurance.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators von Reichbauer; Johnson, Vice Chairman; McCaslin, McMullen, Matson, Rasmussen, Smitherman.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 7, 1989

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

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

Bruce F. Brennan, reappointed March 7, 1989, for a term ending February 21, 1992, as a member of the Apprenticeship Council.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

MESSAGES FROM THE HOUSE

March 14, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 14, 1989

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1055,

ENGROSSED HOUSE BILL NO. 1073,

ENGROSSED HOUSE BILL NO. 1196,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1444,

SUBSTITUTE HOUSE BILL NO. 1601,

SUBSTITUTE HOUSE BILL NO. 1711,

SUBSTITUTE HOUSE BILL NO. 1759,

SUBSTITUTE HOUSE BILL NO. 1814,

HOUSE BILL NO. 1816,

SUBSTITUTE HOUSE BILL NO. 1828,

SUBSTITUTE HOUSE BILL NO. 1857,

ENGROSSED HOUSE BILL NO. 1865,

ENGROSSED HOUSE BILL NO. 1870,

SUBSTITUTE HOUSE BILL NO. 1889,

SUBSTITUTE HOUSE BILL NO. 1979,

SUBSTITUTE HOUSE BILL NO. 2011,

SUBSTITUTE HOUSE BILL NO. 2014,

HOUSE BILL NO. 2016,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020,

ENGROSSED HOUSE BILL NO. 2075,

SUBSTITUTE HOUSE BILL NO. 2076,

HOUSE BILL NO. 2129,

HOUSE BILL NO. 2158,

HOUSE BILL NO. 2161,

ENGROSSED HOUSE JOINT RESOLUTION NO. 4203, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

March 14, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,

SUBSTITUTE HOUSE BILL NO. 1097,

SUBSTITUTE HOUSE BILL NO. 1183,  
 ENGROSSED HOUSE BILL NO. 1189,  
 SUBSTITUTE HOUSE BILL NO. 1263,  
 ENGROSSED HOUSE BILL NO. 1267,  
 HOUSE BILL NO. 1328,  
 HOUSE BILL NO. 1385,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1392,  
 SUBSTITUTE HOUSE BILL NO. 1393,  
 SUBSTITUTE HOUSE BILL NO. 1408,  
 SUBSTITUTE HOUSE BILL NO. 1457,  
 HOUSE BILL NO. 1485,  
 ENGROSSED HOUSE BILL NO. 1488,  
 HOUSE BILL NO. 1505,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,  
 ENGROSSED HOUSE BILL NO. 1664,  
 ENGROSSED HOUSE BILL NO. 1836,  
 SUBSTITUTE HOUSE BILL NO. 1983,  
 HOUSE BILL NO. 1993,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2066,  
 SUBSTITUTE HOUSE BILL NO. 2201, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

March 15, 1989

Mr. President:

The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339,  
 ENGROSSED HOUSE BILL NO. 1423,  
 ENGROSSED HOUSE BILL NO. 1502,  
 ENGROSSED HOUSE BILL NO. 1520,  
 ENGROSSED HOUSE BILL NO. 1552,  
 SUBSTITUTE HOUSE BILL NO. 1554,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574,  
 SUBSTITUTE HOUSE BILL NO. 1577,  
 ENGROSSED HOUSE BILL NO. 1578,  
 ENGROSSED HOUSE BILL NO. 1579,  
 HOUSE BILL NO. 1602,  
 SUBSTITUTE HOUSE BILL NO. 1608,  
 HOUSE BILL NO. 1620,  
 SUBSTITUTE HOUSE BILL NO. 1701,  
 SUBSTITUTE HOUSE BILL NO. 1741,  
 HOUSE BILL NO. 1771,  
 ENGROSSED HOUSE BILL NO. 1794,  
 SUBSTITUTE HOUSE BILL NO. 1891,  
 SUBSTITUTE HOUSE BILL NO. 1911,  
 SUBSTITUTE HOUSE BILL NO. 1958,  
 SUBSTITUTE HOUSE BILL NO. 1964,  
 ENGROSSED HOUSE BILL NO. 1996,  
 ENGROSSED HOUSE BILL NO. 2013,  
 SUBSTITUTE HOUSE BILL NO. 2031,  
 HOUSE BILL NO. 2035,  
 HOUSE BILL NO. 2037,  
 ENGROSSED HOUSE BILL NO. 2051,  
 HOUSE BILL NO. 2053,  
 HOUSE BILL NO. 2054,  
 SUBSTITUTE HOUSE BILL NO. 2070,  
 HOUSE BILL NO. 2098,  
 HOUSE BILL NO. 2103,  
 HOUSE BILL NO. 2110,  
 HOUSE BILL NO. 2126,  
 ENGROSSED HOUSE BILL NO. 2131,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140,  
 HOUSE BILL NO. 2142,

SUBSTITUTE HOUSE BILL NO. 2151,  
 ENGROSSED HOUSE BILL NO. 2155,  
 HOUSE BILL NO. 2167,  
 HOUSE JOINT MEMORIAL NO. 4014,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4017, and the same are herewith  
 transmitted.

ALAN THOMPSON, Chief Clerk

March 15, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051,  
 HOUSE BILL NO. 1118,  
 SUBSTITUTE HOUSE BILL NO. 1119,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,  
 ENGROSSED HOUSE BILL NO. 1154,  
 ENGROSSED HOUSE BILL NO. 1172,  
 ENGROSSED HOUSE BILL NO. 1283,  
 SUBSTITUTE HOUSE BILL NO. 1329,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1542,  
 ENGROSSED HOUSE BILL NO. 1648,  
 HOUSE BILL NO. 1657,  
 SUBSTITUTE HOUSE BILL NO. 1658,  
 SUBSTITUTE HOUSE BILL NO. 1668,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1676,  
 ENGROSSED HOUSE BILL NO. 1703,  
 ENGROSSED HOUSE BILL NO. 1709,  
 HOUSE BILL NO. 1731,  
 ENGROSSED HOUSE BILL NO. 1768,  
 HOUSE BILL NO. 1769,  
 SUBSTITUTE HOUSE BILL NO. 1774,  
 ENGROSSED HOUSE BILL NO. 1777,  
 ENGROSSED HOUSE BILL NO. 1841,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,  
 HOUSE BILL NO. 1885,  
 SUBSTITUTE HOUSE BILL NO. 1894,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1941,  
 SUBSTITUTE HOUSE BILL NO. 1952,  
 HOUSE BILL NO. 1957,  
 SUBSTITUTE HOUSE BILL NO. 1965,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2000,  
 SUBSTITUTE HOUSE BILL NO. 2041,  
 SUBSTITUTE HOUSE BILL NO. 2071,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2084,  
 HOUSE BILL NO. 2118,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2136,  
 ENGROSSED HOUSE BILL NO. 2177,  
 HOUSE JOINT MEMORIAL NO. 4018,  
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4019,  
 ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220, and the same are  
 herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6091 by Senators McDonald, Gaspard, Hayner and Vognild

AN ACT Relating to the budget stabilization account; making an appropriation; and  
 declaring an emergency.

Referred to Committee on Ways and Means.

SB 6092 by Senators Williams, Rasmussen, Kreidler and Wojahn

AN ACT Relating to boxing; amending RCW 67.08.001, 67.08.010, 67.08.015, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, and 67.08.140; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1037 by Committee on Fisheries and Wildlife (originally sponsored by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Basich, Leonard, P. King, Jones and Gallagher)

Creating the marine fish enhancement research program.

Referred to Committee on Environment and Natural Resources.

ESHB 1051 by Committee on Human Services (originally sponsored by Representatives Todd, Winsley, Crane, Walker, Moyer, Jacobsen, Bristow, Heavey, Appelwick, Prentice, D. Sommers, Leonard, Basich, Hine, Rust, Rector, Haugen, Valle, Jones, Brekke, Rasmussen, Dorn, Walk, O'Brien, Dellwo, Kremen, Sayan, Locke, Ferguson, Wineberry, H. Myers, G. Fisher, K. Wilson, Patrick, Fuhrman, Van Luven, McLean, May, Schoon, Brumsickle, Phillips and Anderson)

Regarding developmentally disabled adults.

Referred to Committee on Health Care and Corrections.

EHB 1055 by Representatives R. Fisher, Chandler, Zellinsky, Fraser, D. Sommers and Smith

Financing fire protection for state-owned buildings.

Referred to Committee on Governmental Operations.

ESHB 1068 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, May, Nutley, R. Meyers, Ferguson, Chandler, Winsley, Inslee, Rector, Wang, Belcher, Kremen, Moyer, D. Sommers, Wolfe, Crane, Schoon and Betzoff) (by request of Insurance Commissioner)

Regulating automobile rental liability.

Referred to Committee on Financial Institutions and Insurance.

EHB 1073 by Representatives Vekich, Patrick, Wang, R. King, Prentice, Leonard, Sayan, Winsley, Jacobsen, Belcher, Jones, Miller and Wolfe (by request of Department of Labor and Industries)

Extending industrial welfare laws for agricultural labor.

Referred to Committee on Agriculture.

ESHB 1078 by Committee on Local Government (originally sponsored by Representatives Nutley, Ferguson and Nelson)

Changing provisions relating to local government boundary adjustments.

Referred to Committee on Governmental Operations.

SHB 1097 by Committee on Revenue (originally sponsored by Representatives Appelwick, Locke, O'Brien, Kremen, R. King and Sprenkle)

Exempting property used by homes for the aged from taxation.

Referred to Committee on Ways and Means.

HB 1118 by Representatives Vekich, Wolfe, R. King, Prentice, Sayan, Winsley and P. King (by request of Department of Labor and Industries)

Changing provisions relating to vocational rehabilitation.

Referred to Committee on Economic Development and Labor.



SHB 1119 by Committee on Appropriations (originally sponsored by Representatives Locke, Prentice, Wang, Anderson, Belcher, O'Brien, Winsley and R. King) (by request of Administrator for the Courts)

Requiring testing and certification of English language interpreters in courts.

Referred to Committee on Law and Justice.

ESHB 1127 by Committee on Commerce and Labor (originally sponsored by Representatives Valle, Heavey, Raiter and Crane)

Specifying persons to whom liquor may be sold by clubs holding class H liquor licenses.

Referred to Committee on Economic Development and Labor.

EHB 1154 by Representatives R. Fisher, McLean, Anderson, R. King, Rector, O'Brien, Sayan, Morris, Silver, Hankins, G. Fisher, Winsley, Valle, Beck, Brekke, Horn, Phillips, Miller, Ebersole and Wineberry (by request of Public Disclosure Commission)

Revising campaign finance reporting.

Referred to Committee on Governmental Operations.

EHB 1172 by Representatives Belcher, Locke, R. Fisher, Sayan, K. Wilson, Rust, Hine, Miller, Ferguson, Dellwo, Spanel, Fraser and Brough

Revising requirements for natural resources conservation areas.

Referred to Committee on Environment and Natural Resources.

SHB 1183 by Committee on Human Services (originally sponsored by Representatives Kremen, Bristow, Patrick, Scott, Holland, Leonard, Braddock, Brekke, Zellinsky, Phillips, Spanel, Silver and Wineberry)

Requiring that certain information be provided to adopting parents.

Referred to Committee on Children and Family Services.

EHB 1189 by Representatives Basich, S. Wilson, Vekich, Dorn, K. Wilson, Heavey, Baugher, Crane, Gallagher, Jones, Jacobsen, Sayan, O'Brien, Betrozoff, Bristow, Belcher, Winsley, Dellwo, May, R. Meyers, Kremen, Brumsickle, Prince, Leonard, Anderson, Spanel, Zellinsky, Rasmussen, Ballard, Raiter, Prentice, Hine, Jesernig, P. King, R. King, Todd, G. Fisher, Haugen, Fuhrman, Wang, Van Luven, Moyer, Beck, H. Myers, Brekke, McLean, Phillips, Silver, Insee, Rector, Brough, Cooper, Miller, Ebersole and Wineberry

Creating a memorial for Washington residents who died or are missing-in-action in the Korean conflict.

Referred to Committee on Governmental Operations.

EHB 1196 by Representatives Dellwo, Chandler, Nutley, Winsley and K. Wilson (by request of Insurance Commissioner)

Regulating cancellation of contracts between insurers and agents.

Referred to Committee on Financial Institutions and Insurance.

SHB 1263 by Committee on State Government (originally sponsored by Representatives R. Fisher, Nelson, Sayan, Nealey, Silver and Rector) (by request of State Auditor)

Relating to disclosure of improper governmental action.

Referred to Committee on Governmental Operations.

- EHB 1267** by Representatives Vekich, Jones, Cole, Wang and Leonard  
Establishing procedures regarding self-insured industrial insurance claims.  
Referred to Committee on Economic Development and Labor.
- EHB 1283** by Representatives Zellinsky, Chandler, Dellwo, Crane, Day, P. King, Schmidt, Winsley, Beck, Anderson, Nutley, Dorn, K. Wilson, Baugher, Betrozoff and Silver  
Regulating check cashers and sellers.  
Referred to Committee on Financial Institutions and Insurance.
- HB 1328** by Representatives Belcher, Miller, Valle, Locke, Wang, Rust, Appelwick, Doty, Spanel, H. Sommers, Wineberry, R. Fisher, Jacobsen, Fraser, Rasmussen, Brekke, Cole, Leonard, Phillips, Rayburn, K. Wilson, P. King, Anderson, Crane, Morris, Dellwo, Nutley, Jones, Nelson, Chandler, Hine, Hankins and Ebersole  
Conditioning golf course eligibility for open space valuation.  
Referred to Committee on Ways and Means.
- SHB 1329** by Committee on Local Government (originally sponsored by Representatives Ferguson, Van Luven, Betrozoff, Horn, Miller, Heavey, Patrick, May and Morris)  
Authorizing a study of local government infrastructure financing.  
Referred to Committee on Governmental Operations.
- ESHB 1337** by Committee on Health Care (originally sponsored by Representatives Cole, Braddock, Scott, Cantwell, Leonard and Dellwo)  
Mandating imprinting of over-the-counter medications.  
Referred to Committee on Health Care and Corrections.
- ESHB 1339** by Committee on Local Government (originally sponsored by Representatives Wolfe, Zellinsky, Padden and Day)  
Modifying county government.  
HELD.
- EHB 1360** by Representatives R. Fisher, Ballard and Betrozoff (by request of Governor Gardner)  
Revising personnel administration.  
Referred to Committee on Governmental Operations.
- HB 1385** by Representatives Dellwo, Winsley, Chandler, Day, Anderson and Nutley (by request of Insurance Commissioner)  
Amending merger or change in insurance entity status.  
Referred to Committee on Financial Institutions and Insurance.
- ESHB 1392** by Committee on Natural Resources and Parks (originally sponsored by Representatives Rust, Brough, Valle, Wang, Locke, O'Brien, Nelson, Jacobsen, May, Pruitt, Sprenkle, Patrick, Winsley, Scott, Sayan, R. King, Phillips and Cole) (by request of Governor Gardner)  
Enacting the wetland management act of 1989.  
Referred to Committee on Agriculture.
- SHB 1393** by Committee on Health Care (originally sponsored by Representatives Grant, Baugher, Rayburn, Rector, Prentice, Raiter, Braddock, Brooks, Sprenkle, Dorn, Cantwell, Locke, O'Brien, Kremen, Heavey, Doty, Patrick, Beck, Winsley, Silver, Brough, Fuhrman, Nealey, Wolfe, Schoon, Miller, K. Wilson, Brumsickle, Basich, Sayan, Morris, Wineberry, R. King, Horn, Valle, Pruitt, Cooper,

Crane, Ballard, Jesernig, Todd, Leonard and Rasmussen) (by request of Department of Corrections)

Creating a sentencing grid for controlled substance violations within correctional facilities.

Referred to Committee on Law and Justice.

SHB 1408 by Committee on Appropriations (originally sponsored by Representatives Dorn, Pruitt, G. Fisher, Sayan, P. King, Holland, R. Meyers, Leonard, Patrick, Winsley, Van Luven, Cooper, Walk, Scott and Morris)

Requiring that hours worked in all eligible positions be combined to determine service credit for the public employees' retirement system.

Referred to Committee on Ways and Means.

EHB 1423 by Representatives Day, Cantwell, Wineberry, Schoon, Rasmussen, Doty, Kremen, McLean, Rayburn, Jesernig, Ferguson, Jacobsen, Rector and P. King

Authorizing the creation of local seed capital pools.

Referred to Committee on Economic Development and Labor.

ESHB 1430 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Miller, Spanel, Belcher, Brough, G. Fisher, Peery, Cole, Van Luven, Appelwick, Locke, R. King, K. Wilson, Anderson, Ebersole, Grant, Hine, Holland, Kremen, Wineberry, Wang, Wood, Leonard, Prentice, Pruitt, Dellwo, Basich, Dorn, Brekke, Morris, Todd and Phillips)

Requiring gender equality in higher education.

Referred to Committee on Higher Education.

ESHB 1444 by Committee on Education/Appropriations (originally sponsored by Representatives Peery, Berozoff, G. Fisher, Holland, Walker, May, O'Brien, Locke, Winsley, Bowman, Moyer, Valle, Horn, D. Sommers, Ferguson, Wineberry, Rector, Prentice, R. King, Sprengle, Basich, Dorn, Rust, Todd and H. Myers) (by request of Governor Gardner)

Revising programs for students at risk.

Referred to Committee on Education.

SHB 1457 by Committee on Appropriations (originally sponsored by Representatives Appelwick, Schmidt, Dellwo, Patrick, Braddock, Belcher, Sayan, Locke, Wineberry and P. King) (by request of Office of Financial Management)

Regarding the indeterminate sentencing review board.

Referred to Committee on Law and Justice.

HB 1485 by Representatives Jacobsen, Dellwo and Heavey

Modifying the interest rates that nonprofit corporations may charge on post-secondary education loans.

Referred to Committee on Financial Institutions and Insurance.

EHB 1488 by Representatives Cole, Patrick, Prentice, Vekich, Jones, Smith, Leonard, R. King and Walker

Providing for application of the Washington industrial safety and health act to the ferry system.

Referred to Committee on Transportation.

EHB 1502 by Representatives Walk and Schmidt (by request of Department of Transportation)

Adjusting vehicle permit fees.

Referred to Committee on Transportation.

HB 1505 by Representatives Zellinsky, Baugher, Sayan, Dellwo, Chandler, Anderson, Day, Crane, Winsley, Beck, Schmidt, Prentice, Rayburn, Kremen, Rector, Bowman and P. King

Forbidding the use of age as a basis for rating the cost of medicare supplemental health insurance.

Referred to Committee on Financial Institutions and Insurance.

EHB 1520 by Representatives Walk, Schmidt, S. Wilson, Sayan, R. Fisher, Betzoff, R. King, Vekich, Haugen, H. Sommers, R. Meyers and Pruitt (by request of Marine Employees' Commission)

Changing provisions relating to salary surveys for ferry system employees.

HELD.

ESHB 1542 by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Locke, Cantwell, Day, Prentice, Morris, Sprengle, Van Luvan, Beck, Silver, Baugher, Brough, Winsley, Brekke and P. King)

Creating a system making offenders accountable for legal financial obligations.

Referred to Committee on Health Care and Corrections.

EHB 1552 by Representatives Todd, Nutley, Padden, Patrick, Holland, Anderson, D. Sommers, Leonard, Walk, Pruitt, Crane, Nelson and Dorn

Establishing the office of mobile home affairs and tenant lot fees.

Referred to Committee on Economic Development and Labor.

SHB 1554 by Committee on Appropriations (originally sponsored by Representatives Jacobsen, Chandler, Fraser, Belcher, Anderson, Ballard, Wolfe and Brekke)

Providing a program to promote organic farming and low-input agriculture.

Referred to Committee on Agriculture.

ESHB 1557 by Committee on Commerce and Labor (originally sponsored by Representatives Vekich, Patrick, Belcher, Sayan, Winsley, R. King, Ebersole, R. Meyers, Walk, Braddock, Phillips, Fraser, Holland, Jacobsen, Anderson, Heavey, Basich, Nelson, Appelwick, Morris, Jones, Todd, P. King, Wineberry, Sprengle and Dorn)

Providing for state employee collective bargaining.

Referred to Committee on Economic Development and Labor.

ESHB 1574 by Committee on Revenue (originally sponsored by Representatives Wang, D. Sommers, Haugen and Nealey)

Authorizing cities and towns to impose an excise tax on brokered natural gas.

Referred to Committee on Ways and Means.

SHB 1577 by Committee on State Government (originally sponsored by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley) (by request of Office of Financial Management)

Establishing liability for state trust funds.

Referred to Committee on Governmental Operations.

- EHB 1578 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers and Anderson (by request of Office of Financial Management)  
Allowing write-offs of uncollectible accounts.  
Referred to Committee on Governmental Operations.
- EHB 1579 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley (by request of Office of Financial Management)  
Allowing state agencies to charge interest on debts.  
Referred to Committee on Governmental Operations.
- SHB 1601 by Committee on Appropriations (originally sponsored by Representatives Peery, Schoon, K. Wilson, Cole, Valle, Jones, G. Fisher, P. King, Pruitt, Kremen, Winsley, Wang, Holland, Wineberry, Cooper, Jacobsen, H. Myers, Dorn, Basich and Phillips)  
Establishing a school breakfast program.  
Referred to Committee on Education.
- HB 1602 by Representatives Brekke, Patrick, Dellwo, Moyer, Nelson, Holland, Crane, S. Wilson, P. King, R. Fisher, Todd, Anderson, Cole, Leonard, Heavey, K. Wilson, Rust, Rayburn, Pruitt, Kremen and Wineberry  
Establishing an adoption disclosure procedure.  
Referred to Committee on Children and Family Services.
- SHB 1608 by Committee on Health Care (originally sponsored by Representative Walk)  
Modifying the regulation of ocularists.  
Referred to Committee on Health Care and Corrections.
- HB 1620 by Representatives Raiter, Belcher, R. Fisher, G. Fisher, Scott, R. King, Cole, Brumsickle, McLean, Bowman, Nutley, Locke, H. Myers, Jones, Jesernig, Nelson, Hargrove, Ferguson, P. King, Pruitt, Sprengle and Rector  
Providing for mediation of natural resource disputes.  
Referred to Committee on Environment and Natural Resources.
- EHB 1648 by Representatives R. King, Basich, S. Wilson, Cole, Haugen and Spanel  
Regulating commercial crab fishing in coastal waters.  
Referred to Committee on Environment and Natural Resources.
- HB 1657 by Representatives R. Fisher, McLean, H. Sommers, Locke, Dellwo, Appelwick, Belcher, Silver, Winsley and R. King (by request of Department of General Administration and Office of Financial Management)  
Creating a risk management program and agency accountability.  
Referred to Committee on Law and Justice.
- SHB 1658 by Committee on Judiciary (originally sponsored by Representatives Hargrove, Padden, Scott, Kremen, Brough, Bowman and P. King)  
Modifying the term minor to mean anyone under the age of eighteen for purpose of the sexual exploitation of children statute.  
Referred to Committee on Law and Justice.

- EHB 1664 by Representatives Betrozoff, Baugher, Zellinsky, Patrick, R. Fisher, R. Meyers, Schmidt, Ferguson and Walker  
Restricting the use of tinted glass on motor vehicles.  
Referred to Committee on Transportation.
- SHB 1668 by Committee on Human Services (originally sponsored by Representatives Anderson, Moyer, Locke, Bristow, Jacobsen and Wineberry) (by request of Department of Social and Health Services)  
Providing for public assistance.  
Referred to Committee on Way and Means.
- ESHB 1676 by Committee on Revenue (originally sponsored by Representatives H. Sommers, Rust, Holland, Wang and Winsley)  
Altering the sales tax exemption for nonresidents to apply only to border counties.  
Referred to Committee on Ways and Means.
- SHB 1701 by Committee on Health Care (originally sponsored by Representatives Leonard, Patrick, Prentice, Braddock, Anderson, Crane, Brooks, Moyer, Cooper, Zellinsky, H. Myers, Bowman, Ferguson and Youngsman)  
Allowing choice of pharmacies.  
Referred to Committee on Health Care and Corrections.
- EHB 1703 by Representatives R. Fisher, McLean and Anderson (by request of Office of Financial Management)  
Revising computation of subsistence and travel expenses.  
Referred to Committee on Governmental Operations.
- EHB 1709 by Representatives O'Brien, Patrick, R. King and Sayan (by request of Department of Labor and Industries)  
Revising provisions for medical aid purchase of health care goods and services.  
Referred to Committee on Economic Development and Labor.
- SHB 1711 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, R. King, Winsley, Jacobsen, Wood, Wang, Patrick, Anderson, Wineberry, Walker and Todd)  
Creating a crime prevention employee training program for businesses during late night hours.  
Referred to Committee on Economic Development and Labor.
- HB 1731 by Representatives Morris, Brooks, Belcher, Phillips, Peery, H. Myers, Sprenkle, Cooper, Pruitt, Fuhrman, Braddock, P. King, Sayan, Rector, Winsley, R. King, Heavey, Brekke, Todd, Haugen and Doty (by request of Department of Social and Health Services)  
Providing for the licensing of adult family homes.  
Referred to Committee on Health Care and Corrections.
- SHB 1741 by Committee on Appropriations (originally sponsored by Representatives Betrozoff, Peery, G. Fisher, Walker, Ferguson, Miller, Winsley and Wood) (by request of Superintendent of Public Instruction)  
Revising the eleventh grade assessment.  
Referred to Committee on Education.

- SHB 1759 by Committee on Appropriations (originally sponsored by Representatives Peery, Betrozoff, Crane and Winsley)  
Creating the educational staff diversification act.  
Referred to Committee on Education.
- EHB 1768 by Representatives Todd and Nutley (by request of Department of Community Development)  
Increasing the building permit fee.  
Referred to Committee on Economic Development and Labor.
- HB 1769 by Representatives Fraser, Jacobsen, Heavey, H. Myers, Inslee, Prince, Wood, Jesernig, Spanel, Ebersole, Rector, Van Luven and Schoon  
Allowing student exchange programs with institutions in other states.  
Referred to Committee on Higher Education.
- HB 1771 by Representatives Fraser, Cooper and Wood  
Changing the fee on applications for current use classifications.  
Referred to Committee on Governmental Operations.
- SHB 1774 by Committee on Judiciary (originally sponsored by Representatives Locke, Hargrove, Patrick, Zellinsky, McLean, Haugen, Doty, Scott, Rayburn, Brooks, Baugher and Ferguson)  
Promoting ski area safety.  
Referred to Committee on Law and Justice.
- EHB 1777 by Representatives Leonard, P. King, Pruitt, Sayan, R. King, Todd and Raiter (by request of Department of Social and Health Services)  
Providing for alternative residential placement.  
Referred to Committee on Law and Justice.
- EHB 1794 by Representatives H. Sommers, Schoon and Bristow (by request of State Treasurer)  
Modifying the state's ability to enter into contracts for the purchase of real or personal property.  
Referred to Committee on Governmental Operations.
- SHB 1814 by Committee on Appropriations (originally sponsored by Representatives Phillips, Wineberry, Peery, Betrozoff, Walker, G. Fisher, Holland, Valle, Ebersole, Winsley, Anderson, Wang, Locke, O'Brien, Miller, Nelson and Leonard)  
Creating the cultural diversity in-service training program for teachers.  
Referred to Committee on Education.
- HB 1816 by Representatives H. Sommers, Cole, R. Fisher and Winsley  
Changing provisions for sureties for public works bonds.  
Referred to Committee on Economic Development and Labor.
- SHB 1828 by Committee on Environmental Affairs (originally sponsored by Representatives Phillips, D. Sommers, Sayan, Winsley, Basich, Spanel, Rust, Brumsickle, Morris, Jones, Locke, Anderson, Jacobsen, Crane, Pruitt, Wineberry, Wang, P. King, Valle, Nelson, Cooper and G. Fisher)  
Prescribing financial responsibility for vessels that spill oil.  
Referred to Committee on Environment and Natural Resources.

- EHB 1836 by Representatives Schoon, Rust, Winsley, Pruitt, G. Fisher, Doty, Dorn, Rasmussen, Brumsickle, Fraser, Youngsman, Walk and Valle  
Revising restrictions for smoking in public places.  
Referred to Committee on Health Care and Corrections.
- EHB 1841 by Representatives Peery and Winsley  
Establishing criteria for composing the instructional materials committee.  
Referred to Committee on Education.
- SHB 1857 by Committee on Energy and Utilities (originally sponsored by Representatives Rasmussen, Miller, Nelson, Hankins and Fraser)  
Regulating public water systems.  
Referred to Committee on Energy and Utilities.
- EHB 1865 by Representatives Brough, Peery, Holland, Haugen, Betrozoff, Sayan, Ballard, Cole, Winsley, Morris, Kremen and Todd  
Limiting class size in grades kindergarten through three.  
Referred to Committee on Education.
- EHB 1870 by Representatives Vekich, Patrick, Ebersole, Holland, Dorn, R. Meyers, Jones, R. King, Cooper, Winsley, Rector, P. King, Prentice, Kremen, Leonard, Spanel, Rust, Phillips, Basich, Todd and G. Fisher  
Providing employment protection for classified school employees.  
Referred to Committee on Education.
- ESHB 1883 by Committee on Fisheries and Wildlife (originally sponsored by Representatives Spanel, Haugen, S. Wilson, Schmidt, Zellinsky, Rust, Leonard, Ferguson and Cole)  
Requiring the department of ecology to adopt guidelines to be used by local governments in the regulation of aquaculture.  
Referred to Committee on Environment and Natural Resources.
- HB 1885 by Representatives Hine, Silver, H. Sommers and Sayan  
Making adjustments to the judicial retirement system.  
Referred to Committee on Ways and Means.
- SHB 1889 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Sayan, Locke and Brekke)  
Providing immunity for certain public employees.  
Referred to Committee on Law and Justice.
- SHB 1891 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Patrick, Dorn and Ferguson)  
Establishing procedures for private moorage facilities which parallel port districts.  
Referred to Committee on Environment and Natural Resources.
- SHB 1894 by Committee on Health Care (originally sponsored by Representatives Braddock, D. Sommers, Brooks, Sprengle, Vekich, Day, Cantwell, Wolfe, Morris, Chandler, Patrick, Valle, Dellwo, Rector, Nelson and Phillips)  
Making technical changes in dental hygiene and dentistry.  
Referred to Committee on Health Care and Corrections.



- SHB 1911 by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Nutley, Haugen and Raiter)  
Revising and adding provisions on special districts.  
Referred to Committee on Governmental Operations.
- ESHB 1941 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Prentice, Leonard, Rust, Morris, Wolfe and Ferguson)  
Prohibiting use of tobacco products in health care facilities.  
Referred to Committee on Health Care and Corrections.
- SHB 1952 by Committee on Judiciary (originally sponsored by Representatives Braddock, Appelwick and P. King)  
Clarifying the durable power of attorney statute.  
Referred to Committee on Law and Justice.
- HB 1957 by Representatives Zellinsky, S. Wilson, Haugen, Schmidt, Walk, Vekich, R. Meyers, Sayan, Spanel and Youngsman  
Repealing excess funds transfer provisions for the Puget Sound ferry operations account.  
Referred to Committee on Transportation.
- SHB 1958 by Committee on State Government (originally sponsored by Representatives R. Fisher, Hankins, Anderson, R. King, McLean, Sayan and Morris)  
Specifying chiropractic board membership requirements and clarifying the duties of board members.  
Referred to Committee on Health Care and Corrections.
- SHB 1964 by Committee on Health Care (originally sponsored by Representatives Prentice, D. Sommers, Braddock, Brooks, Gallagher, S. Wilson, Baugher, Cantwell, G. Fisher, Anderson and Winsley)  
Substituting the term health care facility for nursing home in the nursing assistant's act.  
Referred to Committee on Health Care and Corrections.
- SHB 1965 by Committee on Health Care (originally sponsored by Representatives Hine, G. Fisher, Day, D. Sommers, Cantwell, Braddock, Cole, Dellwo and Rector)  
Excluding certain types of housing from the boarding home definition.  
Referred to Committee on Economic Development and Labor.
- SHB 1979 by Committee on Local Government (originally sponsored by Representatives Haugen, Wood and Cooper)  
Authorizing cities and towns to compel sewer hookups with regard to property outside of city or town boundaries.  
Referred to Committee on Governmental Operations.
- SHB 1983 by Committee on Judiciary (originally sponsored by Representatives Appelwick, P. King and Crane)  
Revising laws on contempt of court.  
Referred to Committee on Law and Justice.
- HB 1993 by Representatives Rasmussen, Nealey, Dorn, Rayburn, McLean, Baugher, Youngsman and Kremen  
Specifying labeling requirements for uncooked poultry.  
Referred to Committee on Agriculture.

- EHB 1996 by Representatives McLean, R. Fisher, Ballard, Rector, Rayburn, Miller, Brumsickle, Holland, Sayan, Prince, Anderson and Winsley  
Revising voter registration cancellation procedures.  
Referred to Committee on Governmental Operations.
- ESHB 2000 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Chandler and Baugher)  
Establishing fair practice standards for produce handlers and associations.  
Referred to Committee on Agriculture.
- SHB 2011 by Committee on Fisheries and Wildlife (originally sponsored by Representative R. King)  
Changing provisions regulating commercial fishing licenses.  
Referred to Committee on Environment and Natural Resources.
- EHB 2013 by Representatives Ferguson, Haugen and Winsley  
Specifying when a financing bond issue is to be submitted to voters at a park and recreation district proposal election.  
Referred to Committee on Governmental Operations.
- SHB 2014 by Committee on Appropriations (originally sponsored by Representatives Peery, Locke, Valle, Winsley, Crane and O'Brien)  
Revising provisions for special education programs for handicapped children.  
Referred to Committee on Education.
- HB 2016 by Representatives Miller, Jacobsen, Spanel, Heavey, Wood, Belcher, H. Myers, Inslee, Rector, Hankins, Anderson, O'Brien, R. King, Valle, Winsley, Jesernig, P. King and Kremen  
Requiring a conference on gender equity in athletics.  
Referred to Committee on Higher Education.
- ESHB 2020 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Miller, Spanel, Heavey, Wood, Belcher, Rector, Hankins, Anderson, O'Brien, R. King, Winsley, Jesernig, P. King, Pruitt, K. Wilson, Patrick, Leonard and Nutley)  
Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.  
Referred to Committee on Higher Education.
- SHB 2031 by Committee on Commerce and Labor (originally sponsored by Representatives Nelson, R. King, S. Wilson, Spanel, Haugen and Belcher)  
Setting gear requirements for shellfish divers.  
Referred to Committee on Environment and Natural Resources.
- HB 2035 by Representatives R. Fisher, Anderson, Jacobsen and P. King  
Permitting individuals or voter registration officers to complete applications to register to vote.  
Referred to Committee on Governmental Operations.
- HB 2037 by Representatives Raiter, Cooper, Morris, Brumsickle, Vekich, Peery, Bowman, Schoon and H. Myers  
Extending exemptions for Mt. St. Helens recovery operations.  
Referred to Committee on Governmental Operations.

SHB 2041 by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Todd, Rector, Ballard, Leonard, Anderson, Padden, D. Sommers and McLean)

Changing landlord-tenant law.

Referred to Committee on Law and Justice.

EHB 2051 by Representative Locke

Minimizing the involuntary displacement of tenants in federally assisted housing.

Referred to Committee on Economic Development and Labor.

HB 2053 by Representatives Silver, Locke, May, H. Sommers, Ferguson, Horn and Wood

Providing a seven-year limitation for regular property tax levies involving redemption payments on bonds.

Referred to Committee on Ways and Means.

HB 2054 by Representatives Locke, Todd, O'Brien, Padden, Appelwick, Anderson, Winsley, Belcher and P. King

Specifying the conditions which the state must follow prior to the release of involuntarily committed and dangerous individuals.

Referred to Committee on Law and Justice.

ESHB 2066 by Committee on Education (originally sponsored by Representatives Cantwell, Peery, Holland, Beck, Walk, Jones, Spanel, Ferguson, Cole, P. King, Winsley, Wood and Todd)

Creating an interim task force to evaluate school student transportation safety.

Referred to Committee on Transportation.

SHB 2070 by Committee on Housing (originally sponsored by Representatives Todd and Hargrove)

Applying the state building code to buildings or structures moved into a county or city.

Referred to Committee on Economic Development and Labor.

SHB 2071 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Nelson and Spanel)

Licensing commercial divers and dive tenders and providing health and safety standards for commercial activities on navigable waters.

Referred to Committee on Environment and Natural Resources.

EHB 2075 by Representatives Cantwell, S. Wilson, Wood, Walk, Heavey, Prince, K. Wilson, Sprenkle, Ferguson, Nelson and Spanel

Permitting local governments to have a twenty-four hour headlight policy.

Referred to Committee on Transportation.

SHB 2076 by Committee on Revenue (originally sponsored by Representatives Pruitt, Fraser, G. Fisher, Phillips and Brekke)

Collecting a tire disposal fee per vehicle per year at the time of vehicle registration.

Referred to Committee on Transportation.

ESHB 2084 by Committee on State Government (originally sponsored by Representatives Wineberry, Holland, Locke, Brough, R. Fisher, Padden, O'Brien, Schoon, H. Sommers, Moyer, Anderson, Doty, Morris, McLean, Ebersole, Beck, Prentice, Winsley, Belcher, Ferguson, Rayburn, Rasmussen, Kremen, Todd, Rector, Raiter, Dorn, Peery, Walk, P. King, G. Fisher, Brekke, Appelwick, Crane, Braddock,

Nutley, Inslee, Sayan, Nelson, Cantwell, Vekich, Hargrove, Scott, H. Myers, Jacobsen, Phillips, K. Wilson, Bristow, Zellinsky, R. Meyers, Cooper, Wang, Dellwo, Miller, Van Luven, Basich, R. King, Leonard and Hankins)

Establishing the Washington state commission on African-American affairs within the office of the Governor.

Referred to Committee on Governmental Operations.

HB 2098 by Representatives Walk and Patrick

Modifying provisions for computing county road costs.

Referred to Committee on Transportation.

HB 2103 by Representatives Fraser, Belcher, R. Fisher, Ballard, McLean, Rasmussen, Dorn, Haugen and Winsley

Revising provisions for fire fighters.

Referred to Committee on Governmental Operations.

HB 2110 by Representative Appelwick

Reducing elected officials' contributions to the teachers' retirement system to six percent.

Referred to Committee on Ways and Means.

HB 2118 by Representatives Dorn, Brumsickle, G. Fisher and K. Wilson

Expanding coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates.

Referred to Committee on Education.

HB 2126 by Representatives Braddock, Sprenkle and Brooks

Requiring the board of medical examiners to adopt rules regarding surgical assistants.

Referred to Committee on Health Care and Corrections.

HB 2129 by Representatives Locke, R. Fisher, Brough, Prince, Cantwell, Ebersole, Belcher, Wang, Prentice, Leonard, Wineberry, Vekich and Anderson

Promoting diverse cultures and languages in Washington.

Referred to Committee on Law and Justice.

EHB 2131 by Representatives Nutley and Winsley

Making additional requirements for mobile home electrical inspections.

Referred to Committee on Economic Development and Labor.

ESHB 2136 by Committee on Housing (originally sponsored by Representatives Cole, Rust, Beck, Nutley, Patrick, Todd, Wood, Crane, Walk, G. Fisher, Nelson, Cantwell, Brække, Sprenkle, Anderson, Holland, Leonard and Winsley)

Providing mobile home relocation assistance.

Referred to Committee on Economic Development and Labor.

ESHB 2140 by Committee on Trade and Economic Development (originally sponsored by Representatives Cantwell, Hargrove, Moyer, R. Fisher, Phillips, Walk, Haugen, Prince, Wineberry, Hine, Nelson, Miller and P. King)

Establishing the Washington state growth strategies commission.

Referred to Committee on Governmental Operations.

HB 2142 by Representatives Hargrove, Jones and Van Luven

Authorizing cities and towns to reimburse litigation expenses to reimburse prevailing parties in a lawsuit where the city or town is a party.

Referred to Committee on Governmental Operations.

SHB 2151 by Committee on Judiciary (originally sponsored by Representatives H. Myers, Tate, Locke, Appelwick, Padden, Hargrove, Moyer, R. Meyers, Dellwo, D. Sommers, P. King, Belcher, Scott, Crane, Insole and Wolfe)

Regarding disposition and sentencing of juvenile offenders.

Referred to Committee on Law and Justice.

EHB 2155 by Representatives Appelwick and P. King

Making changes to the parenting act.

Referred to Committee on Law and Justice.

HB 2158 by Representatives Rasmussen, Schoon, H. Sommers, Locke, P. King, Wineberry, Winsley, Ferguson, Heavey, Fraser and Vekich

Including comprehensive cancer center in the definition of a health care facility.

Referred to Committee on Health Care and Corrections.

HB 2161 by Representatives Jacobsen, Prince, Rayburn, Grant, Doty, Heavey, P. King, Miller, Jesernig and Van Luven

Amending the distinguished professorship trust program.

Referred to Committee on Higher Education.

HB 2167 by Representatives Leonard, Winsley, Schoon, Nulley, Rector and Todd

Regarding mobile home parks.

Referred to Committee on Economic Development and Labor.

EHB 2177 by Representatives Bristow, Ballard, Fraser and Todd

Making changes to the firefighters' relief and pension fund.

Referred to Committee on Ways and Means.

SHB 2201 by Committee on Transportation (originally sponsored by Representatives Walk, Jones, Hargrove, Zellinsky, Schmidt and Vekich)

Revising funding of the Hood Canal Bridge.

Referred to Committee on Transportation.

HJM 4014 by Representatives Valle, Jones, Basich, Rust, Dorn and Spanel

Petitioning Congress to examine safety issues and boat construction regarding marine transportation of oil.

Referred to Committee on Environment and Natural Resources.

SHJM 4017 by Committee on Fisheries and Wildlife (originally sponsored by Representative R. King)

Asking Congress to direct the army corps of engineers to construct fish bypass facilities on the Columbia River.

Referred to Committee on Environment and Natural Resources.

HJM 4018 by Representatives Todd and Nelson

Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act.

Referred to Committee on Energy and Utilities.

EHJM 4019 by Representatives Nelson, D. Sommers and R. Fisher

Requesting equal income tax treatment of employer-provided transit passes and vehicle parking.

Referred to Committee on Transportation.

EHJR 4203 by Representatives Cooper, Horn, Haugen, Ferguson, Phillips, Rayburn, Raiter, Wood, Wolfe, Nutley, Doty, Hine and Nelson

Amending the Constitution to alter the requirements for changing county boundaries.

Referred to Committee on Governmental Operations.

ESHJR 4220 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Braddock, Belcher, H. Sommers, Jacobsen, Valle, Grant, Locke, Silver, May, McLean, Youngsman, Brekke, Cantwell, Cole, Basich, Anderson, Betzoff, Schoon, Rector, Vekich, Nelson, Dorn, Inslee, Leonard and Sprengle)

Authorizing the legislature to designate state office locations outside Olympia.

Referred to Committee on Governmental Operations.

#### MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1339 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, Engrossed House Bill No. 1520 was held on the calendar.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8647

by Senators McMullen and Murray

WHEREAS, The 17th of March is celebrated in Ireland, the United States and around the world as St. Patrick's Day, a day proclaiming the demise of winter and the legislative session and heralding the approach of spring and the interim; and

WHEREAS, The Irish were extremely fortunate to have an individual of Anglo-Roman heritage who was educated in France as a patron saint; and

WHEREAS, The Irish have been generous and even zealous to share their saint with all nations and nationalities and have used this day to demonstrate that Ireland is truly the land of saints, scholars, and good-hearted folk, who kept the light of western civilization burning in the midst of the dark ages; and

WHEREAS, It is the wish of all Irish people to share the joy of St. Patrick's Day with all peoples; and

WHEREAS, Many Senators, staff, lobbyists, journalists, and government officials are of Irish descent, especially those with twinkling eyes and mischievous streaks; and

WHEREAS, Recent newspaper articles have proclaimed the need to acknowledge the importance of St. Urho, the patron saint of the Fins, along with other important but less well-known patron saints;

NOW, THEREFORE, BE IT RESOLVED, That the 17th of March, Saint Patrick's Day, shall be proclaimed as a day of joy, peace and frivolity for all citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That each nationality in the state of Washington is encouraged to develop their respective days honoring their patron saints with an equal level of enthusiasm as that of the Irish.

## MOTION

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

## SENATE RESOLUTION 1989-8648

by Senator Bluechel

WHEREAS, The Redmond High School boys' basketball team, the Mustangs, won the Class AAA championship for the second straight year; and

WHEREAS, The Mustangs beat the Garfield Bulldogs fifty-nine to fifty in the championship game held on March 11, 1989; and

WHEREAS, The Mustangs are the first King county team to win two titles; and

WHEREAS, Head Coach Jerry Koester and Assistant Coaches Bob Becker and Todd Peterson energetically guided the strong team composed of: Seniors Gary Patterson, David Rockwood, Jack Estep, Grant Harter, J.T. D'Amico, and Sean Farstad; Juniors Jeff Dick, Rob Hines, Shawn Batstone, and Jeff Lehmyer; and Sophomores Brian Lewallen and Derek Looney; and

WHEREAS, The Mustangs are only the fourth school in the sixty-six year history of the Class AAA tournament to win the championship for two consecutive years; and

WHEREAS, Media selections for First Team/All Tournament are Gary Patterson, forward and David Rockwood, guard; and

WHEREAS, The media selection for Second Team/All Tournament is Jack Estep, forward; and

WHEREAS, The Mustangs' record for the season was twenty-six wins and four losses;

NOW, THEREFORE, BE IT RESOLVED, That the entire Mustangs team and its coaches be commended for their outstanding achievements; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Redmond High School, each basketball team member, and each coach.

Senator Bluechel spoke to Senate Resolution 1989-8648.

## MOTIONS

On motion of Senator Newhouse, the following bills will remain on the second reading calendar:

Senate Bill No. 5347

Senate Bill No. 5975

Engrossed Substitute Senate Bill No. 5624.

On motion of Senator Newhouse, the following bills will remain on the third reading calendar:

Second Substitute Senate Bill No. 5225

Engrossed Senate Joint Resolution No. 8218

Senate Joint Resolution 8219.

On motion of Senator Newhouse, the following bills which were on the second and third reading calendar will be referred to the Committee on Rules:

SECOND READING

Senate Bill No. 5110

Senate Bill No. 5113

Senate Bill No. 5162

Senate Bill No. 5163

Senate Bill No. 5180

Senate Bill No. 5187

Senate Bill No. 5238

Senate Bill No. 5404

Senate Bill No. 5454

Senate Bill No. 5554

Senate Bill No. 5555

Senate Bill No. 5559

Senate Bill No. 5568

Senate Bill No. 5588  
Senate Bill No. 5650  
Senate Bill No. 5665  
Senate Bill No. 5666  
Senate Bill No. 5673  
Senate Bill No. 5693  
Senate Bill No. 5694  
Senate Bill No. 5709  
Senate Bill No. 5712  
Senate Bill No. 5744  
Senate Bill No. 5803  
Senate Bill No. 5822  
Senate Bill No. 5841  
Senate Bill No. 5846  
Senate Bill No. 5908  
Senate Bill No. 5921  
Senate Bill No. 5935  
Senate Bill No. 5957  
Senate Bill No. 6036  
Senate Bill No. 6077  
Senate Joint Resolution No. 8209.

THIRD READING

Engrossed Senate Bill No. 5558.

MOTION

At 10:14 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, March 20, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



## SEVENTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 20, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt and Fleming. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Heidi Simpson and Cristie Gruhn, presented the Colors. Mary-Lynne Reiner of the Temple Beth Hatfiloh of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 17, 1989

SB 5169 Prime Sponsor, Senator Smith: Providing for revenue collection by the department of social and health services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Lee, Newhouse, Owen, Saling.

Passed to Committee on Rules for second reading.

March 17, 1989

SB 5658 Prime Sponsor, Senator McCaslin: Creating a risk management program and agency accountability. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5658 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 17, 1989

SB 5691 Prime Sponsor, Senator McDonald: Changing provisions relating to eligibility for general assistance unemployable. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Owen, Saling.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Niemi, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 17, 1989

SB 6091 Prime Sponsor, Senator McDonald: Making an appropriation for the

budget stabilization account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1025 Prime Sponsor, Representative R. King: Changing standards for commercial fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1027 Prime Sponsor, Representative R. King: Clarifying the authority of the director of fisheries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1182 Prime Sponsor, Representative Rust: Revising local government roles in hazardous waste siting. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1205 Prime Sponsor, Representative Sayan: Recording of honorable discharges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 16, 1989

EHB 1231 Prime Sponsor, Representative R. King: Modifying procedures regarding disposal of skins and furs. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

March 16, 1989

SHB 1259 Prime Sponsor, Committee on Local Government: Exempting guide and service dogs from local license fees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 16, 1989

HB 1354 Prime Sponsor, Representative Fraser: Continuing the interagency committee for outdoor recreation. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

MOTION

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

The Senate was called to order at 11:50 a.m. by President Pritchard.

MOTION

At 11:51 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, March 21, 1989.

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

## SEVENTY-SECOND DAY

## NOON SESSION

Senate Chamber, Olympia, Tuesday, March 21, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Medved and Edwin Melendez, presented the Colors. Mary-Lynne Reiner of the Temple Beth Hatfiloh of Olympia, offered the prayer.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 17, 1989

SB 5400 Prime Sponsor, Senator Niemi: Regarding mental health systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5400 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1989

SHB 1007 Prime Sponsor, Committee on Natural Resources and Parks: Promoting safety in water skiing. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Owen.

Passed to Committee on Rules for second reading.

March 20, 1989

HB 1038 Prime Sponsor, Representative Haugen: Changing provisions relating to county legislative authority meetings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 20, 1989

SHB 1039 Prime Sponsor, Committee on Natural Resources and Parks: Providing oil dump and holding tank pump station information to boaters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 20, 1989

HB 1043 Prime Sponsor, Representative Inslee: Providing a procedure for unclaimed property in the hands of the Washington state patrol. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 20, 1989

EHB 1077 Prime Sponsor, Representative Ebersole: Modifying requirements for curb ramps for handicapped persons. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 20, 1989

HB 1163 Prime Sponsor, Representative Haugen: Modifying the time period applying to filing of claims against noncharter cities and towns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 20, 1989

SHB 1254 Prime Sponsor, Committee on Judiciary: Providing immunity from civil liability. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 20, 1989

SHB 1379 Prime Sponsor, Committee on Capital Facilities and Financing: Authorizing adjustment of bid prices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 20, 1989

EHB 1623 Prime Sponsor, Representative Belcher: Benefiting winter recreation activities of the state parks and recreation commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 20, 1989

HB 1912 Prime Sponsor, Representative Bowman: Authorizing a juvenile court

administrator to fingerprint juvenile offenders under certain conditions.  
Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building

Olympia, Washington

March 15, 1989

MEMORANDUM

TO: All Agencies  
FROM: Len McComb, Acting Director  
SUBJECT: DECEMBER ALLOTMENT VARIANCE REPORT

Attached is the December 1988 quarterly variance report which the Office of Financial Management has submitted to the Legislature in accordance with RCW 43.88.110. Please note that this report includes variance explanations only for those agencies that had a cumulative variance of 5 percent or \$1 million. Legislative staff have also been provided with the original responses.

The report of the Select Committee is on file in the office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

March 20, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1635 by Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick and G. Fisher) (by request of Department of Social and Health Services)

Making changes to support enforcement provisions.

Referred to Committee on Law and Justice.

MOTION

On motion of Senator Newhouse, Engrossed House Bill No. 1520 which was introduced on March 17, 1989, and held on the desk, was referred to the Committee on Transportation.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Engrossed Substitute House Bill No. 1104.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1104 was referred to the Committee on Health Care and Corrections.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1165.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1165 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Engrossed Substitute House Bill No. 1663.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1663 was referred to the Committee on Agriculture.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Engrossed House Bill No. 1768.

On motion of Senator Newhouse, Engrossed House Bill No. 1768 was referred to the Committee on Energy and Utilities.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed House Bill No. 1794.

On motion of Senator Newhouse, Engrossed House Bill No. 1794 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of House Bill No. 2037.

On motion of Senator Newhouse, House Bill No. 2037 was referred to the Committee on Environment and Natural Resources.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Substitute House Bill No. 2070.

On motion of Senator Newhouse, Substitute House Bill No. 2070 was referred to the Committee on Governmental Operations.

#### MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, March 22, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SEVENTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 22, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Patrick Sullivan and Doug Peterson, presented the Colors. Mary-Lynne Reiner of the Temple Beth Hatfiloh of Olympia, offered the prayer.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 21, 1989

EHB 1026 Prime Sponsor, Representative Spanel: Regulating sea urchin fishing. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

SHB 1056 Prime Sponsor, Committee on Fisheries and Wildlife: Regulating her-ring spawn on kelp. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Bauer, Benitz, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

EHB 1103 Prime Sponsor, Representative Vekich: Revising provisions for motor vehicle warranties. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1117 Prime Sponsor, Representative Patrick: Changing conditions for workers' compensation insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.



March 21, 1989

HB 1198 Prime Sponsor, Representative Nelson: Authorizing first class cities to enter into agreement to own and operate electrical utilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1270 Prime Sponsor, Representative Vekich: Providing an exception to the definition of sale for purposes of making a gift of liquor by private parties. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1289 Prime Sponsor, Representative Cole: Modifying business entertainment practices of liquor importers, wholesalers, or manufacturers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1290 Prime Sponsor, Representative K. Wilson: Establishing a new geographic coordinate system for Washington. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1400 Prime Sponsor, Representative R. Meyers: Establishing family court commissioners in third through ninth class counties. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

March 21, 1989

SHB 1688 Prime Sponsor, Committee on Natural Resources and Parks: Changing lease and contract requirements for tidelands, shorelands, and beds of navigable waters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1772 Prime Sponsor, Representative Spanel: Renaming and defining certain species of fish. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 2010 Prime Sponsor, Representative R. King: Allowing nonambulatory disabled persons to hunt from nonhighway motor vehicles. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HJM 4000 Prime Sponsor, Representative Nelson: Memorializing Hanford as a national energy center. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

March 21, 1989

HJM 4002 Prime Sponsor, Representative Basich: Requesting Congress to amend the outer continental shelf lands act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HJM 4003 Prime Sponsor, Representative Basich: Petitioning Congress to amend the outer continental shelf act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Bauer, Owen, Sutherland.

Passed to Committee on Rules for second reading.

## MOTION

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

## MOTION

Senator Warnke moved that the following resolution be adopted:

## SENATE RESOLUTION 1989-8650

by Senators Warnke, von Reichbauer, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson,

Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams and Wojahn

WHEREAS, The citizens of Washington are celebrating the one hundredth birthday of this state; and

WHEREAS, On March 21st of 1889, King County's first newspaper, The Slaughter Sun was created; and

WHEREAS, In 1893, the offended residents of the town of Slaughter petitioned the Legislature to change the town's name to Auburn; and

WHEREAS, In 1893, The Slaughter Sun was renamed The Auburn Argus and then to The Auburn Globe in 1913; and

WHEREAS, In 1916, The Auburn Globe and The Auburn Republican merged to form The Auburn Globe Republican; and

WHEREAS, In 1943, The Auburn Globe Republican merged with The Auburn News to form The Auburn Globe News; and

WHEREAS, In 1979, The Auburn Globe News changed to The Daily Globe News; and

WHEREAS, The Daily Globe News, published as a part of The Valley Daily News since 1986, will be celebrating one hundred years of journalistic excellence on March 21, 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the outstanding achievements and the prolonged longevity of The Daily Globe News; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor of Auburn, the City Council of Auburn, and to the business office of The Daily Globe News.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, I think this is a splendid way of honoring a long time newspaper. Newspapers don't last very long, but I notice this was the Auburn Republican and then the Auburn Globe Republican, and as you heard the wheel turns, what is the next name going to be--the Daily Globe News Republican or Democrat? I thought you might have an insight on that."

Senator Warnke: "We would hope, Senator, that it would be called the Valley Democrat, but that would be up to the next owners of the paper."

#### MOTION

On motion of Senator Warnke, and there being no objection, all Senators names were added as sponsors of Senate Resolution 1989-8650.

The President declared the question before the Senate to be the adoption of Senate Resolution 1989-8650.

The motion by Senator Warnke carried and Senate Resolution 1989-8650 was adopted.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Engrossed House Bill No. 1520.

On motion of Senator Newhouse, Engrossed House Bill No. 1520 was referred to the Committee on Economic Development and Labor.

#### MOTION

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

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339, by Committee on Local Government (originally sponsored by Representatives Wolfe, Zellinsky, Padden and Day)

Modifying county government.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1339 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1339.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1339 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Barr, Metcalf - 2.

Excused: Senators Bender, DeJarnatt - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1989-8642

by Senators Saling, West, Stratton and McCaslin

WHEREAS, The Highlanders of Shadle Park High School have been crowned the AAA Girls' State Basketball Champions for the second year in a row; and

WHEREAS, The Highlanders achieved this honor by virtue of a hard-fought sixty-three to forty-four victory over Auburn High School; and

WHEREAS, The Shadle Park Highlanders Girls' Basketball Team finished the season with an outstanding record of twenty-six wins and only four losses; and

WHEREAS, The girls' basketball team has a combined grade point average of 3.25 with three team members, Lisa Churchwell, Shannon Douglas, and Jeanne Ryan, earning a perfect 4.0; and

WHEREAS, Lori Lollis earned a position on the state's first team in both 1988 and 1989; and

WHEREAS, Coach Linda Sheridan in her fifteen year career at Shadle Park has a superior record of two hundred fifty-four wins and only forty-seven losses; and

WHEREAS, Shadle Park High School, and the entire Spokane area, is very proud of the tremendous achievement of the coaches and players of this year's champions;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That our heartiest congratulations be presented to the members of the AAA State Champion Shadle Park Highlanders Girls' Basketball Team; Lori Lollis, Shannon Douglas, Brooke Cooper, Jeanne Ryan, Andrea Ludwick, Lisa Franz, Julie Yearout, Kristi Wilkerson, Jennifer Moran, Trisha Whitman, and Lisa Churchwell; and

BE IT FURTHER RESOLVED, That our congratulations be presented to Head Coach Linda Sheridan and Assistant Coach Randy Lothspeich for their excellent work in leading this fine group of young athletes; and

BE IT FURTHER RESOLVED, That the Senate directs that copies of this resolution be transmitted to the Shadle Park Highlanders Girls' AAA Basketball Championship team members, their coaches, and Principal Jim Hutton of Shadle Park High School in Spokane.

## MOTION

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

## SENATE RESOLUTION 1989-8653

by Senator Talmadge

WHEREAS, The Sealth High School Basketball Team won the State Class AA Championship; and

WHEREAS, The Class AA Champions beat Lakeside High School with an over-time score of sixty-one to fifty-seven; and

WHEREAS, Coach Bruce Richardson guided his team to victory through countless hours of hard work throughout the basketball season; and

WHEREAS, The team grade point average of 3.1 exemplifies the same sense of pride and determination in academic excellence; and

WHEREAS, This strong championship team was composed of: Mike Anderson, Jarren Cheha, Kyle Cribbs, Kalu Dennis, Keline Flowers, Robert Gant, Mike Garret, Tim Goodman, Chris Johnson, Granville Keys, Marcus Lollie, and Marcus Stubblefield; and

WHEREAS, The All-State team members are Tim Goodman and Marcus Stubblefield; and

WHEREAS, The METRO team members are Tim Goodman, Marcus Lollie, and Marcus Stubblefield; and

WHEREAS, Although every member of the team exhibited great team work and spirit at the tournament, Jarren Cheha and Kalu Dennis deserve honorable mention;

NOW, THEREFORE, BE IT RESOLVED, That the Sealth High School Basketball Team and its Coach be commended for their final achievement of the season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Sealth High School, each of the championship team members, and their coach.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Sealth High School Boys' State AA Championship Basketball Team and Coach Bruce Richardson, who were seated in the gallery.

## MOTION

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

## SENATE RESOLUTION 1989-8651

by Senators Pullen, Vognild, Smith, Bauer, Madsen and Rasmussen

WHEREAS, The Washington State Legislative Building was built in 1923 and furnished in 1928; and

WHEREAS, The furnishings and decor were selected by architects and designers of that era; and

WHEREAS, The selections made for furnishings and fixtures were made with thought for excellence, appropriateness, and durability; and

WHEREAS, The State Reception Room Carpet on the third floor of the legislative building is one of the largest single loom carpets in the United States; and

WHEREAS, When the carpet was completed, the pattern was destroyed so that it is one of a kind; and

WHEREAS, The colors were selected to complement the purple and gold of our first state flag which hangs over the fireplace in the Reception Room; and

WHEREAS, The State Reception Room is the Official Meeting Place for dignitaries visiting Olympia from foreign countries as well as from throughout the United States; and

WHEREAS, This beautiful carpet is an outstanding work of art and a definite part of our heritage and the only rug left from the original decor; and

WHEREAS, It is an example for our children to know of the artistic taste and surroundings of the era;

NOW, THEREFORE, BE IT RESOLVED, That the Senate go on record as wanting the Reception Room Carpet to remain until such time as wear makes it unsafe for traffic; and

BE IT FURTHER RESOLVED, That all persons who have any decision-making authority know from this day forward that the Senate wishes the carpet to remain as is in the State Reception Room; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Capitol architects; Dee Hooper, the Senate Facilities and Planning Coordinator; Wendy Holden, the Director of General Administration; all members of the Senate Facilities and Operations Committee; all members of the State Capitol Committee; and all members of the Senate.

#### MOTION

At 10:26 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, March 23, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SEVENTY-FOURTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Thursday, March 23, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Monica Lewis and Greg Cooley, presented the Colors. Mary-Lynne Reiner of the Temple Beth Hatfiloh of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 22, 1989

SB 5109 Prime Sponsor, Senator Pullen: Creating an additional court of appeals position. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5109 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5247 Prime Sponsor, Senator Bailey: Providing for professional enhancement programs for teachers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5247 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5249 Prime Sponsor, Senator Bailey: Creating the fair start program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5249 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5269 Prime Sponsor, Senator Bailey: Providing for improvements in technology and vocational education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5269 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer,

Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5524 Prime Sponsor, Senator Bailey: Providing local education enhancement program funds. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5729 Prime Sponsor, Senator McDonald: Revising provisions for crime victims' compensation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Saling, Smith, Warnke.

MINORITY recommendation: That it not be substituted. Signed by Senators Bauer, Gaspard, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1024 Prime Sponsor, Representative Appelwick: Notifying victims and witnesses of sex offenses of escape, release, or furlough of inmates. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Nelson, Newhouse, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

March 22, 1989

EHB 1062 Prime Sponsor, Representative Appelwick: Revising provisions in the Washington code of military justice. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 22, 1989

EHB 1081 Prime Sponsor, Representative Padden: Restricting release of persons convicted of vehicular homicide or assault. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1162 Prime Sponsor, Representative Hine: Changing provisions relating to



cities annexed by fire protection districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

EHB 1189 Prime Sponsor, Representative Basich: Creating a memorial for Washington residents who died or are missing-in-action in the Korean conflict. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1223 Prime Sponsor, Representative R. Fisher: Removing the secretary of state from filing of interlocal cooperation agreements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1224 Prime Sponsor, Representative R. Fisher: Simplifying filing procedures for elections to fill short and full terms. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

HB 1225 Prime Sponsor, Representative R. Fisher: Clarifying the declaration of candidacy for precinct committee officer. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1989

EHB 1226 Prime Sponsor, Representative R. Fisher: Requiring lists of electors and presidential candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 22, 1989

HB 1241 Prime Sponsor, Representative Braddock: Adjusting terms for members of the examining board of psychology. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1989

EHB 1249 Prime Sponsor, Representative Rust: Addressing plastic debris in marine environments. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 22, 1989

SHB 1250 Prime Sponsor, Committee on Health Care: Changing licensing provisions for hearing aid fitters and dispensers. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1989

SHB 1252 Prime Sponsor, Committee on Health Care: Changing provisions relating to registered nurses. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1989

HB 1253 Prime Sponsor, Representative Prentice: Changing provisions regarding nursing assistants. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

SHB 1264 Prime Sponsor, Committee on Local Government: Changing provisions relating to local registrars. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 22, 1989

EHB 1418 Prime Sponsor, Representative Padden: Adding provisions on moral nuisances. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1548 Prime Sponsor, Committee on Judiciary: Changing requirements for establishing paternity. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

March 22, 1989

SHB 1558 Prime Sponsor, Committee on Health Care: Regulating use of steroids. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

EHB 1881 Prime Sponsor, Representative Rayburn: Modifying allowable compensation for irrigation district directors. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 21, 1989

EHB 2001 Prime Sponsor, Representative Rayburn: Revising provisions regarding livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 22, 1989

EHB 2155 Prime Sponsor, Representative Appelwick: Making changes to the parenting act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Hayner, Madsen, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6093 by Senator Benitz

AN ACT Relating to higher education.

Referred to Committee on Higher Education.

SB 6094 by Senator Benitz

AN ACT Relating to branch campuses.

Referred to Committee on Higher Education.

SB 6095 by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner and Smith

AN ACT Relating to branch campuses; amending RCW 28B.15.202, 28B.20.010, 28B.20.130, 28B.30.010, and 28B.30.150; creating new sections; repealing RCW 28B.30.510; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

## MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, March 24, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SEVENTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 24, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, DeJarnatt, Fleming, Matson, Niemi and Pullen. On motion of Senator Bender, Senators DeJarnatt and Fleming were excused. On motion of Senator Anderson, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Arikka Price and Paul West, presented the Colors. Bernard Friedman, President of the Temple Beth Hatfiloh of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 23, 1989

SB 6095 Prime Sponsor, Senator Benitz: Providing for branch campuses.  
Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

HELD.

March 22, 1989

HB 1010 Prime Sponsor, Representative Sayan: Revising provisions for disability leave supplement for law enforcement officers and fire fighters.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1020 Prime Sponsor, Representative Vekich: Authorizing collective bargaining for district and municipal court employees. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 22, 1989

HB 1042 Prime Sponsor, Representative G. Fisher: Revising braking equipment requirements for trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Hansen, McMullen, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

ESHB 1086 Prime Sponsor, Committee on Environmental Affairs: Regulating underground storage tanks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Kreidler, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

March 23, 1989

ESHB 1192 Prime Sponsor, Committee on Local Government: Authorizing special assessments and a grant program for conservation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 22, 1989

SHB 1208 Prime Sponsor, Committee on Commerce and Labor/Appropriations: Requiring certification of court reporters. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, West.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 1258 Prime Sponsor, Representative Scott: Making assaults on law enforcement personnel third degree assault. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; Nelson, Newhouse, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

March 22, 1989

HB 1282 Prime Sponsor, Representative Walk: Defining motor freight forwarders and brokers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Hansen, McMullen, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1287 Prime Sponsor, Committee on Financial Institutions and Insurance: Extending the time frame for possible renewal of escrow agent licenses. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 22, 1989

ESHB 1337 Prime Sponsor, Committee on Health Care: Mandating imprinting of over-the-counter medications. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1989

EHB 1348 Prime Sponsor, Representative Ferguson: Authorizing excess weight permits for emergency vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Hansen, McMullen, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 22, 1989

SHB 1458 Prime Sponsor, Committee on Health Care: Regarding corrections and the intrastate compact. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1682 Prime Sponsor, Representative Brough: Revising provisions for fund raising events by bona fide charitable or nonprofit organizations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 1844 Prime Sponsor, Representative Doty: Regulating house-to-house sales. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 23, 1989

ESHB 1853 Prime Sponsor, Committee on Environmental Affairs: Providing for oil spill damage assessments. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1854 Prime Sponsor, Committee on Environmental Affairs: Modifying

resource damage assessment under the state water pollution control act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1983 Prime Sponsor, Committee on Judiciary: Revising laws on contempt of court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

March 22, 1989

HB 2161 Prime Sponsor, Representative Jacobsen: Amending the distinguished professorship trust program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

March 23, 1989

HJM 4014 Prime Sponsor, Representative Valle: Petitioning Congress to examine safety issues and boat construction regarding marine transportation of oil. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

HJM 4015 Prime Sponsor, Representative Prince: Regarding student loans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6095 was advanced to second reading and placed on the second reading calendar.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

On motion of Senator Bailey, Gubernatorial Appointment No. 9051, Beverly J. Ogburn, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### APPOINTMENT OF BEVERLY J. OGBURN

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Matson, Niemi, Pullen - 3.



Excused: Senators Benitz, DeJarnatt, Fleming - 3.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Engrossed House Bill No. 1172.

On motion of Senator Newhouse, Engrossed House Bill No. 1172 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed House Bill No. 1360.

On motion of Senator Newhouse, Engrossed House Bill No. 1360 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Substitute House Bill No. 1630.

On motion of Senator Newhouse, Substitute House Bill No. 1630 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 1668.

On motion of Senator Newhouse, Substitute House Bill No. 1668 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Substitute House Bill No. 2036.

On motion of Senator Newhouse, Substitute House Bill No. 2036 was referred to the Committee on Governmental Operations.

#### MOTION

Senator Vognild moved that the Committee on Children and Family Services be relieved of further consideration of Initiative 102.

Debate ensued.

#### MOTION

At 10:19 a.m., Senator Newhouse moved that the Senate adjourn until 10:00 a.m., Monday, March 27, 1989.

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

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate adjourn until 10:00 a.m., Monday, March 27, 1989.

#### ROLL CALL

The Secretary called the roll and the motion to adjourn carried by the following vote: Yeas, 23; nays, 21; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 23.

Voting nay: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Absent: Senators Niemi, Pullen - 2.

Excused: Senators Benitz, DeJarnatt, Fleming - 3.

At 10:24 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, March 27, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## SEVENTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Monday, March 27, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Bender, Cantu, Craswell, DeJarnatt, Fleming, Hayner, Lee, McDonald, Nelson, Smith and Williams. On motion of Senator Anderson, Senators Bailey, Hayner and McDonald were excused. On motion of Senator Warnke, Senators Bender, DeJarnatt, Fleming and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kathy Donald and Erin Pratt, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Tumwater, offered the prayer.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 22, 1989

SB 5664 Prime Sponsor, Senator Pullen: Making changes to support enforcement services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5664 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 6080 Prime Sponsor, Senator Smith: Relating to maternity care of women and children. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6080 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

EBH 1047 Prime Sponsor, Representative R. Meyers: Modifying secured transaction requirements as they apply to crops. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1060 Prime Sponsor, Representative Cooper: Revising provisions on issuing

state and local government bonds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

ESHB 1074 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring health insurance to cover mammograms. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1085 Prime Sponsor, Representative Ferguson: Providing insurance coverage for neurodevelopmental therapy. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1136 Prime Sponsor, Committee on Judiciary: Creating superior court judge positions in Pierce county. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; Nelson, Newhouse, Niemi, Rasmussen, Talmadge.

Referred to Committee on Ways and Means.

March 23, 1989

HB 1240 Prime Sponsor, Representative Braddock: Changing provisions relating to funeral directors. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 1286 Prime Sponsor, Representative Cantwell: Specifying how the boundaries of an industrial development district may be revised. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

ESHB 1324 Prime Sponsor, Committee on Health Care: Creating a department of health. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1398 Prime Sponsor, Committee on Agriculture and Rural Development: Regarding emergency drought relief. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1478 Prime Sponsor, Representative Braddock: Regulating the board of pharmacy. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1509 Prime Sponsor, Committee on State Government: Creating a Recognition day. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1572 Prime Sponsor, Committee on State Government: Clarifying procedures for nominations of minor parties and independent candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1639 Prime Sponsor, Committee on Local Government: Regulating fire districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1698 Prime Sponsor, Representative R. Fisher: Consolidating standards for establishing precinct boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1964 Prime Sponsor, Committee on Health Care: Substituting the term health care facility for nursing home in the nursing assistant's act. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 2012 Prime Sponsor, Committee on Local Government: Regulating port district land improvement. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 2088 Prime Sponsor, Committee on Financial Institutions and Insurance: Permitting persons in an insurer's holding company system to accept commissions. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 2135 Prime Sponsor, Representative Vekich: Revising provisions on farm labor liens. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 23, 1989

EHJR 4200 Prime Sponsor, Representative Haugen: Amending the Constitution to provide an alternative method for the framing of a county charter. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator von Reichbauer, Gubernatorial Appointment No. 9122, James Cason, as a member of the State Investment Board, was confirmed.

Senator Rasmussen spoke to the confirmation of James Cason as a member of the State Investment Board.

#### APPOINTMENT OF JAMES CASON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; nays, 1; absent, 5; excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Bluechel, Conner, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 36.

Voting nay: Senator Moore - 1.

Absent: Senators Cantu, Craswell, Lee, Nelson, Smith - 5.

Excused: Senators Bailey, Bender, DeJarnatt, Fleming, Hayner, McDonald, Williams - 7.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1989-8637

by Senators Kreidler, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Dr. William A. "Sandy" MacColl of Seattle was instrumental in uniting physicians, consumers, unions, business people, and Grange members into a coalition that created Group Health Cooperative of Puget Sound; and

WHEREAS, Group Health Cooperative of Puget Sound became one of the nation's first health maintenance organizations, and it now serves one out of every eleven Washington state residents; and

WHEREAS, Dr. William A. "Sandy" MacColl was executive director of Group Health Cooperative during its difficult formative years; and

WHEREAS, Dr. William A. "Sandy" MacColl was a beloved and respected pediatrician who made significant contributions to his community and country; including service as a captain in the United States Army Air Corps, helping to found the Hood Canal Cooperative, volunteer work with the Evergreen Stroke Association, and service on the Board of the Consumers Union; and

WHEREAS, Dr. William A. "Sandy" MacColl's death on February 20, 1989, is a grievous loss to the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes his significant contributions and accomplishments, and the personal qualities of Dr. William A. "Sandy" MacColl, and extends the heartfelt sympathy of its members to his family and friends; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Dr. William A. "Sandy" MacColl.

## MOTION

On motion of Senator Kreidler, all members were added as sponsors of Senate Resolution 1989-8637.

## MOTION

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

## SENATE RESOLUTION 1989-8640

by Senators Madsen and Rasmussen

WHEREAS, In March of 1889, "Indian Henry" led Thomas C. Van Eaton to the site of modern day Eatonville; and

WHEREAS, Thomas C. Van Eaton then built the first trading post, began the first stagecoach line to Spanaway, and became postmaster of the town dubbed "Eatonville" by the United States Post Office; and

WHEREAS, Thomas C. Van Eaton donated land for the first churches, the first school, the first hotel, and the first newspaper in Eatonville; and

WHEREAS, Thomas C. Van Eaton served as postmaster, school board member, and state legislator on behalf of the citizens of Eatonville; and

WHEREAS, Thomas Van Eaton's son, John Van Eaton, still resides in Eatonville; and

WHEREAS, March 1989, marks the one hundredth anniversary of the founding of Eatonville;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the achievements of Thomas C. Van Eaton, founder of Eatonville, on this, the one hundredth anniversary of the founding of Eatonville; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor of Eatonville, the City Council of Eatonville, and to John Van Eaton.

#### MOTION

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

#### SENATE RESOLUTION 1989-8641

by Senators Madsen and Kreidler

WHEREAS, The Yelm Lion's Club is celebrating fifty years of existence on March 16, 1989; and

WHEREAS, The fifty members of the Yelm Lion's Club led by President Al Edwards have dedicated themselves to helping others and improving their community; and

WHEREAS, The Yelm Lion's Club has successfully undertaken several fundraisers throughout the years such as the Prairie Days celebration held in July which includes a parade, dance, and carnival; and

WHEREAS, The Yelm Lion's Club was the only service club in the Yelm area until recently;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and commemorate the Yelm Lion's Club for its many contributions and its sincere dedication to improving the community of Yelm; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Yelm Lion's Club and to the Yelm community.

At 10:24 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 10:30 a.m. by President Pritchard.

#### MOTION

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

#### SENATE RESOLUTION 1989-8652

by Senators Talmadge and Rasmussen

WHEREAS, Composer/singer/songwriter Earl Robinson was born in Seattle, Washington, on July 2, 1910; and

WHEREAS, Earl Robinson, after having studied violin, viola, and piano as a child, graduated from West Seattle High School in 1928, and was subsequently named to the West Seattle High School Hall of Fame; and

WHEREAS, Earl Robinson, graduated from the University of Washington in 1933, with a degree in music; and

WHEREAS, His musical creations include cantatas, concertos, film scores and ballads, which have been performed by countless artists throughout the United States; and

WHEREAS, Earl Robinson's most famous works, including "Ballad for Americans," "The House I Live In," "Joe Hill," "Abe Lincoln," and "Black and White," reflect the rich heritage of our country; and

WHEREAS, His song, "The House I Live In," reaches out to Americans of all races and religions as the essence of America; and

WHEREAS, Earl Robinson's music has served as an inspiration for many causes over the past fifty years seeking positive social change; and

WHEREAS, Earl Robinson continues to musically explore the celebration of life;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Washington State, that Earl Robinson be honored for his inspirational achievements and contributions to the musical history of this state and the United States, and as a native son of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Earl Robinson.

## INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Earl Robinson who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Robinson to address the Senate and to sing "The House I Live In."

## MOTION

At 10:39 a.m., on motion of Senator Newhouse, the Senate recessed until 11:10 a.m.

The Senate was called to order at 11:10 a.m. by President Pritchard.

Senator Bluechel spoke to Westrends, a report developed by the Western Legislative Conference of the Council of State Governments.

With permission of the Senate, business was suspended to hear the presentation of the Westrends Report.

President Pro Tempore Bluechel assumed the Chair.

## MOTION

At 11:51 a.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:32 p.m. by President Pritchard.

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

## MOTION

On motion of Senator Anderson, Senator Cantu was excused.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9055, Dolorita K. Reandeau, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

## APPOINTMENT OF DOLORITA K. REANDEAU

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bauer, Hansen - 2.

Excused: Senators Cantu, DeJarnatt, Fleming, Hayner - 4.

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

## MESSAGE FROM THE HOUSE

March 27, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5030,

SENATE BILL NO. 5031, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5030,

SENATE BILL NO. 5031.

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



## SECOND READING

SENATE BILL NO. 6091, by Senators McDonald, Gaspard, Hayner and Vognild  
Making an appropriation for the budget stabilization account.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6091 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6091.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Hansen - 1.

Excused: Senators DeJarnatt, Fleming, Hayner - 3.

SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## . SECOND READING

SENATE BILL NO. 5400, by Senators Niemi, West, Kreidler, Wojahn and Talmadge

Regarding mental health systems.

## MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5400.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Kreidler, Moore, Pullen, Talmadge - 4.

Absent: Senator Hansen - 1.

Excused: Senators DeJarnatt, Hayner - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Hansen was excused.

## SECOND READING

SENATE BILL NO. 6095, by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner, Smith

Providing for branch campuses.

The bill was read the second time.

## MOTION

Senator Fleming moved that the following amendment be adopted:

On page 2, after line 26, insert the following:

"(7) For the purposes of this act, "placebound" means persons who have historically, geographically, physiologically, economically, and ethnically been denied access to regionally located public institutions of higher learning."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Fleming on page 2, after line 26, to Senate Bill No. 6095.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 25; absent, 1; excused, 3.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 25.

Absent: Senator Rinehart - 1.

Excused: Senators DeJarnatt, Hansen, Hayner - 3.

## MOTION

Senator Fleming moved that the following amendment by Senators Fleming and Talmadge be adopted:

On page 11, after line 30, insert the following:

**\*NEW SECTION.** Sec. 9. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The legislature intends to serve the unmet higher education needs in certain urban localities by eliminating the underrepresentation of ethnic minorities in graduate and professional programs and to enrich the education of students generally, through their exposure to the ideas of those previously unable to pursue advanced studies.

(2) The board of regents or trustees of each of the state's regional universities, The Evergreen State College, or state universities may waive tuition and fees for minority students pursuing graduate and professional degrees. Minority students are defined as persons from racial backgrounds that have traditionally been discriminated against because of their race, color, heritage, or national origin. Only persons who are United States citizens or permanent residents are eligible under RCW 28B.15.740, this section, and section 10 of this act.

(3) The higher education coordinating board shall prepare a report biannually which shall include an evaluation of the tuition waiver program, a student progress tracking report, and a recommendation on funding for the next biennium.

**\*NEW SECTION.** Sec. 10. A new section is added to chapter 28B.15 RCW to read as follows:

The board of regents or trustees of each of the state's regional universities, The Evergreen State College, or state universities may waive the tuition and services and activities fees for graduate and professional minority students subject to the following limitations:

(1) A pilot program of three hundred graduate and professional students shall be initiated. The amount of total waivers awarded at the state's regional universities, The Evergreen State College, and state universities shall be based on the proportion of individual institution graduate and professional student enrollment to total graduate and professional student enrollment.

(2) Priority shall be given to minority students who are enrolled in graduate and professional programs of study where they have traditionally been underrepresented.

Sec. 11. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education,

may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2) of this section.

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section and minority students provided under sections 10 and 11 of this act are not subject to the limitation under this section."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fleming and Talmadge on page 11, line 30, to Senate Bill No. 6095.

The amendment by Senators Fleming and Talmadge was not adopted on a rising vote.

#### MOTION

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 6095 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bauer: "Senator Saling, in Senate Bill No. 6095, what do you mean by Section 2?"

Senator Saling: "Section 2 requires that any branch campus program, not presently operating, receive prior approval from the Higher Education Coordinating Board and the Legislature. For example, any university interested in establishing a free standing, separate, degree granting institution would certainly need prior approval from the Higher Education Coordinating Board and the Legislature."

Senator Bauer: "Thank you, Senator Saling, and the second question--would this require colleges and universities that already have programs operating in branch campus sites or elsewhere to get Higher Education Coordinating Board and legislative approval?"

Senator Saling: "No, Section 2 of the bill grandfathers in programs existing prior to the effective date of the act. For example, WSU's existing program at Vancouver would not require approval by the Higher Education Coordinating Board and the Legislature because of this bill. However, should WSU change the method of organization, governance or administration, say to establish a new free standing institution that offers degrees, then the program would need HECB and Legislative approval."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Saling, I looked at this, and I'm for the branch campuses, and I'm going to vote for the bill, so I'm not trying to talk it to death. When I looked at this though, and I kept looking and looking and I thought I had a wrong pair of glasses on. I thought I went on the branch campus bill with Senator Saling. This is an entirely new set of names. Where did they come from?"

Senator Saling: "Well, this bill was introduced, it was run through the Higher Education Committee, it was put on the calendar, now we're voting on it."

Senator Rasmussen: "Well, I'm still for the branch campuses, but I would have appreciated it, if my name had been left on the bill because Tacoma wants a branch campus very badly."

Senator Saling: "Well, I'm sorry that your name was not on the bill. There were some others who did not get on this bill also--quite a few on this side. I have heard from all of them and I'm glad to hear from you, too, because I want this a bi-partisan criticism, not just from my side."

Further debate ensued.

#### MOTION

On motion of Senator Pullen, all members who wish to sign on as sponsors of Senate Bill No. 6095 may do so at the present time.

Senators Rasmussen, West, Thorsness, Bailey, Johnson and Nelson signed on as additional sponsors of Senate Bill No. 6095.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6095.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Johnson, Madsen, McCaslin, McDonald, Metcalf, Murray, Nelson, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Voguild, von Reichbauer, West, Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Craswell, Fleming, Kreidler, Lee, Matson, McMullen, Moore, Newhouse, Niemi, Owen, Pullen, Talmadge, Warnke, Williams - 17.

Excused: Senators DeJarnatt, Hansen, Hayner - 3.

SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5225, on reconsideration, deferred on third reading March 15, 1989.

#### MOTION

On motion of Senator Saling, the rules were suspended, Second Substitute Senate Bill No. 5225, on reconsideration, was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Saling, the following amendment by Senators Saling and Bauer was adopted.

On page 2, after line 31, strike all the material down to and including "Laws of 1989)," on page 3, line 25, and insert the following:

"NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

Renumber the remaining sections consecutively.

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 3 of the title, after "and" strike "making appropriations" and insert "creating a new section"

#### MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5225.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Voting nay: Senators Craswell, Williams - 2.

Excused: Senators DeJarnatt, Hansen, Hayner - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORTS OF STANDING COMMITTEES

March 27, 1989

HB 1022 Prime Sponsor, Representative Spanel: Allowing smelt fishing without a license in one-day fishing derbies. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1989

EHB 1330 Prime Sponsor, Representative Walk: Changing provisions relating to ferry operation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 1438 Prime Sponsor, Representative Todd: Increasing public transportation reporting requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 24, 1989

HB 1465 Prime Sponsor, Representative R. Meyers: Making technical corrections in driver and vehicle licensing laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 24, 1989

HB 1467 Prime Sponsor, Representative Baugher: Creating the transportation capital facilities account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 24, 1989

EHB 1502 Prime Sponsor, Representative Walk: Adjusting vehicle permit fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 24, 1989

SHB 1503 Prime Sponsor, Committee on Transportation: Relaxing bonding requirements on ferry contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Hansen, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 1545 Prime Sponsor, Representative Schmidt: Increasing penalties for registering a vehicle in another state. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 27, 1989

EHB 1648 Prime Sponsor, Representative R. King: Regulating commercial crab fishing in coastal waters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 1651 Prime Sponsor, Committee on Local Government: Authorizing counties, cities, and towns to elect to participate in state-wide flood plain management. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1689 Prime Sponsor, Representative Kremen: Revising provisions for refund of licensing fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1690 Prime Sponsor, Representative Prince: Changing provisions relating to the motor vehicle fuel tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

E2SHB 1793 Prime Sponsor, Committee on Appropriations: Creating the Omnibus Alcohol and Controlled Substance Act of 1989. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Lee, Moore, Newhouse, Owen, Saling, Smith, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1989

HB 1957 Prime Sponsor, Representative Zellinsky: Repealing excess funds transfer provisions for the Puget Sound ferry operations account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Hansen, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 2031 Prime Sponsor, Committee on Commerce and Labor: Setting gear requirements for shellfish divers. Reported by Committee on Environmental and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Kreidler, Owen.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:26 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Tuesday, March 28, 1989.

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

## SEVENTY-NINTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 28, 1989

The Senate was called to order at 11:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kimberlee Aubrey and Paul Mendez III, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Tumwater, offered the prayer.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 27, 1989

EHB 1049 Prime Sponsor, Representative Locke: Relating to permitting prosecutors to perform certain legal services. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1072 Prime Sponsor, Representative Rasmussen: Prohibiting air guns on school premises. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 1221 Prime Sponsor, Committee on Commerce and Labor: Easing licensing requirements for vehicle auctioneers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

March 23, 1989

EHB 1334 Prime Sponsor, Representative Rasmussen: Encouraging senior citizens to volunteer as teacher's aides. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 27, 1989

ESHB 1369 Prime Sponsor, Committee on Environmental Affairs: Promoting



improvements of waterfront sewer systems. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Kreidler, Owen.

Passed to Committee on Rules for second reading.

March 27, 1989

ESHB 1430 Prime Sponsor, Committee on Higher Education: Requiring gender equality in higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

March 23, 1989

HB 1468 Prime Sponsor, Representative Ebersole: Increasing the number of recipients of awards for excellence in education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 27, 1989

EHB 1480 Prime Sponsor, Representative Hankins: Changing provisions relating to the productivity board. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

March 27, 1989

EHB 1518 Prime Sponsor, Representative Vekich: Extending industrial insurance coverage. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

March 23, 1989

SHB 1741 Prime Sponsor, Committee on Appropriations: Revising the eleventh grade assessment. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

March 23, 1989

HB 1757 Prime Sponsor, Representative Fuhrman: Permitting certain second class school districts to hire officers' spouses as substitute teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 1774 Prime Sponsor, Committee on Judiciary: Promoting ski area safety. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Madsen, Newhouse, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 1858 Prime Sponsor, Committee on Trade and Economic Development: Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

March 27, 1989

EHB 1909 Prime Sponsor, Representative Horn: Authorizing local government to file abandoned intangible property records in archives after five years and transfer the property to its general fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1980 Prime Sponsor, Representative Peery: Providing for job sharing in school and educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 27, 1989

EHB 1996 Prime Sponsor, Representative McLean: Revising voter registration cancellation procedures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 27, 1989

HB 2016 Prime Sponsor, Representative Miller: Requiring a conference on gender equity in athletics. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1989

HB 2129 Prime Sponsor, Representative Locke: Promoting diverse cultures and languages in Washington. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

#### MOTION

At 11:07 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:08 p.m. by President Pritchard.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1910.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1910 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Engrossed Substitute House Bill No. 2066.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2066 was referred to the Committee on Education.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Substitute House Bill No. 2076.

On motion of Senator Newhouse, Substitute House Bill No. 2076 was referred to the Committee on Environment and Natural Resources.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 23, 1989

SB 5682 Prime Sponsor, Senator West: Relating to long-term adult care. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5682 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1989

SJR 8222 Prime Sponsor, Senator Bailey: Amending the Constitution regarding the common school construction fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8222 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 1405 Prime Sponsor, Committee on Capital Facilities and Financing: Regarding building fees for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

March 27, 1989

HB 1417 Prime Sponsor, Representative Heavey: Establishing the educational opportunity grant program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

HELD.

March 27, 1989

ESHB 1822 Prime Sponsor, Committee on Higher Education: Enhancing access to upper division and graduate level higher education programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

HELD.

March 27, 1989

ESHB 2020 Prime Sponsor, Committee on Higher Education: Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

MOTION

At 12:12 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, March 29, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## EIGHTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 29, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, DeJarnatt, Fleming, Owen, Rinehart, Smith and Williams. On motion of Senator Warnke, Senators DeJarnatt, Fleming and Rinehart were excused. On motion of Senator Craswell, Senator Amondson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Tina Painton and Casey Curtis, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Tumwater, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 28, 1989

SHB 1065 Prime Sponsor, Committee on Judiciary: Increasing penalties for sex crimes against children. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

EHB 1070 Prime Sponsor, Representative Rector: Revising procedures on criminal procedure. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 1071 Prime Sponsor, Committee on Judiciary: Regarding collateral attacks on convictions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

ESHB 1294 Prime Sponsor, Committee on Trade and Economic Development: Establishing the Washington employment futures program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 27, 1989

SHB 1370 Prime Sponsor, Committee on Local Government: Changing provisions relating to taxing district boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1989

2SHB 1476 Prime Sponsor, Committee on Appropriations: Establishing the Washington marketplace program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 28, 1989

ESHB 1553 Prime Sponsor, Committee on Trade and Economic Development: Creating the Washington economic development finance authority. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 1565 Prime Sponsor, Committee on Judiciary: Relating to family relationships presumed to be valid for immigrants. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Pullen, Chairman; Madsen, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 1658 Prime Sponsor, Committee on Judiciary: Modifying the term minor to mean anyone under the age of eighteen for purpose of the sexual exploitation of children statute. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

ESHB 1666 Prime Sponsor, Committee on State Government: Establishing voter registration along with driver licensing. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Madsen, Nelson, Niemi, Rasmussen, Rinehart, Talmadge.

Referred to Committee on Ways and Means.

March 28, 1989

EHB 1762 Prime Sponsor, Representative Walker: Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

EHB 1777 Prime Sponsor, Representative Leonard: Providing for alternative residential placement. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 1965 Prime Sponsor, Committee on Health Care: Excluding certain types of housing from the boarding home definition. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

March 28, 1989

HCR 4408 Prime Sponsor, Representative Cantwell: Recommending adoption of the Washington State Economic Development Board reports by the legislature. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Newhouse, House Bill No. 1417, which was read in on Reports of Standing Committees on March 28, 1989, and held on the desk, was referred to the Committee on Rules for second reading.

On motion of Senator Newhouse, Substitute House Bill No. 1822, which was read in on Reports of Standing Committees on March 28, 1989, and held on the desk, was referred to the Committee on Rules for second reading.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9082, Larry Watkinson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

Senator Bauer spoke to the confirmation of Larry Watkinson as a member of the Board of Trustees for the State School for the Blind.

## APPOINTMENT OF LARRY WATKINSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Salling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Wojahn - 41.

Absent: Senators Barr, Owen, Smith, Williams - 4.

Excused: Senators Amondson, DeJarnatt, Fleming, Rinehart - 4.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1324, by Committee on Health Care (originally sponsored by Representatives Brooks, Valle, Pruitt, Braddock, Hankins, Betrozoff, Kremen, Beck, Wood, Dellwo, Bowman, Haugen, Winsley, Brekke, Walker, Horn, Nelson, Moyer, Fraser, D. Sommers, Van Luven, Cooper, R. Meyers, Jesernig, Miller, May, Rust, Sprenkle, Brumsickle, Grant, Cole, Chandler, Prince, Holland, Doty, Silver, Belcher, Scott, Rasmussen, Hine, Baugher, Dorn, Walk, Rayburn, Gallagher, Schoon, Sayan, Heavey, Vekich, Patrick, Fuhrman, Leonard, Bristow, Schmidt, Morris, Jones, Basich, R. Fisher, Wineberry, Todd, Prentice, Nealey, Ferguson, McLean, R. King, P. King, Wolfe, Nutley, K. Wilson, Cantwell, Brough, Anderson, Smith, Hargrove, Day, Crane, Rector, G. Fisher, Appelwick, H. Myers, Ebersole, Insee, Spanel and Tate) (by request of Governor Gardner)

Creating a department of health.

The bill was read the second time.

## MOTION

Senator Madsen moved that the following amendment be adopted:

On page 42, after line 26, insert the following:

**NEW SECTION.** Sec. 264. Beginning July 1, 1989, the department of health shall prohibit the issuance of new disposal site approvals by local governments for land application of municipal sewage sludge originating from class AA or class A counties until alternative methods or technical and scientific supportive data are presented to ensure that the public health is protected and environmental concerns are addressed. Applications for sewage sludge permits will be accepted but no final decision shall issue on that permit. Permits subject to renewal for land applications on existing sites are exempt from the provisions of this section.

**NEW SECTION.** Sec. 265. The secretary of health, in consultation with the state board of health shall establish a sludge study task force composed of representatives of the department of ecology, natural resources, fisheries, wildlife, and social and health services, a representative of the Puget Sound water quality authority, a representative of a metropolitan municipal corporation, two representatives from any affected cities appointed by the association of Washington cities, two representatives from any affected counties appointed by the Washington state association of counties, a representative from the forest industry, two representatives of the environmental community, and three representatives from the general public of each affected county in the state. The president of the senate and the speaker of the house of representatives shall jointly appoint the members of the task force not otherwise appointed under this section. The department of health will coordinate the activities of the task force. The chair will be elected from among the task force members. The task force shall:

- (1) Conduct a technology review of:
  - (a) Alternatives to land application; and
  - (b) Air pollution control technology safeguards for increased incineration;
- (2) Review and evaluate current project data for:
  - (a) Water quality monitoring data;
  - (b) Effects of metals based on different soils where sludge is applied; and
  - (c) Immediate and long-term impacts on wildlife and fisheries resources;
- (3) Conduct technical and scientific analysis and:
  - (a) Identify effects and levels of toxic organics in sludge;
  - (b) Identify impacts on ground water quality;
  - (c) Establish criteria based on review of hydrological data to identify land application sites with the least amount of environmental risk; and
  - (d) Identify best potential sites in the state based on hydrological data criteria in (c) of this subsection;
- (4) Review current rules and regulations to ensure that local zoning and health concerns are adequately protected.



NEW SECTION, Sec. 266. The task force shall report its findings and a set of recommendations to the legislature by January 1, 1993.

NEW SECTION, Sec. 267. Sections 264 through 266 of this act expire June 30, 1993.  
Renumber the remaining section consecutively.

#### POINT OF ORDER

Senator Wojahn: "Mr. President, a point of order. I believe that this amendment falls outside the scope and object of this bill and I would ask for a rendition on that."

Debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1324 was deferred.

#### MOTION

On motion of Senator Anderson, Senator Smith was excused.

#### SECOND READING

HOUSE BILL NO. 1912, by Representatives Bowman, Patrick, Brumsickle, Belcher, Padden, Tate, Walker, Wolfe, Silver, Fraser, Van Luven, Schmidt, Moyer, Brough, Betzoff, Locke, Brooks, Vekich, Appelwick, Wood, Youngsman, McLean, Baugher, D. Sommers, Scott, Holland, Horn, Winsley, Dorn, Doty and Rasmussen

Authorizing a juvenile court administrator to fingerprint juvenile offenders under certain conditions.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1912 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1912.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1912 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Smith - 2.

HOUSE BILL NO. 1912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5691, by Senators McDonald and Owen (by request of Department of Social and Health Services)

Changing provisions relating to eligibility for general assistance unemployable.

#### MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5691 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5691.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 23; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Thorsness, West - 23.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 23.

Absent: Senator Owen - 1.

Excused: Senators DeJarnatt, Smith - 2.

SUBSTITUTE SENATE BILL NO. 5691, having failed to receive the constitutional majority, was declared lost.

#### MOTION

At 10:42 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pritchard.

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 23, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce L. Cardwell, appointed March 23, 1989, for a term ending September 30, 1992, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

March 23, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald C. Claudon, appointed March 23, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

March 23, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Myrna J. Emerick, reappointed March 23, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

March 23, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Douglas L. True, appointed March 23, 1989, for a term ending December 31, 1993, as a member of the Public Disclosure Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1324 and the pending amendment by Senator Madsen on page 42, after line 26, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Engrossed Substitute House Bill No. 1324 is an omnibus measure creating the Department of Health, establishing various ad hoc advisory groups and transferring many public health functions from DSHS to the new department including certain sewage programs.

"The amendment proposed by Senator Madsen requires the new Department of Health to prohibit new sewage sludge permits and establishes a sewage sludge study task force to review health, safety and technical information regarding the effects of sewage sludge disposal.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Madsen on page 42, after line 26, to Engrossed Substitute House Bill No. 1324 was ruled in order.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Madsen, if the Health Department goes ahead and authorizes additional disposal sites and they're found to be highly toxic and poisonous, would they be subject to a law suit?"

Senator Madsen: "Well, you might ask that question to an attorney, Senator, but it would seem to me, that if we have standards, that say Metro meets, and we find out later that the standards were not correct, and people did have health problems, I can't believe that the state is not somewhat liable."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 42, after line 26, to Engrossed Substitute House Bill No. 1324.

The motion by Senator Madsen failed and the amendment was not adopted.

#### MOTION

Senator Kreidler moved that the following amendments be considered simultaneously and be adopted:

On page 6, line 2, after "act," insert a new subsection as follows:

"(5) Act as the state health policy and planning agency."

Remember the remaining subsections.

On page 8, line 26, after "proceeding," add a new section as follows:

"NEW SECTION, Sec. 110. The department shall be empowered, in consultation with the board of health to assess and develop policy concerning personal and public health including at least, matters related to cost, quality, access and public health protection."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kreidler on page 6, line 2, and page 8, line 26, to Engrossed Substitute House Bill No. 1324.

The motion by Senator Kreidler failed and the amendments were not adopted.

#### MOTION

Senator Kreidler moved that the following amendments be considered simultaneously and be adopted:

On page 41, after line 21, insert the following:

"Sec. 261. Section 3, chapter 147, Laws of 1974 ex. sess. as last amended by section 103, chapter 287, Laws of 1984 and RCW 70.37.030 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53-.010, as now or hereafter amended. The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, ~~((the chairman of the Washington state hospital commission))~~ the secretary of the department of health, and one member of the public who shall be appointed by the governor, subject to confirmation by the senate, on the basis of the member's interest or expertise in health care delivery, for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03-.060. A majority shall constitute a quorum.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence."

Renumber the sections consecutively and correct any internal references accordingly.

On page 42, after line 26, insert the following:

"Sec. 264. Section 6, chapter 172, Laws of 1967 as last amended by section 14, chapter 524, Laws of 1987 and RCW 74.15.060 are each amended to read as follows:

The secretary of ~~((social and health services))~~ the department of health shall have the power and it shall be his duty:

In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, necessary to promote the health of all persons residing therein.

The secretary of the department of health or the city, county, or district health department designated by him shall have the power and the duty:

(1) To make or cause to be made such inspections and investigations of agencies ~~((including investigation of alleged child abuse and neglect in accordance with chapter 26.44 RCW;))~~ as may be deemed necessary; and

(2) To issue to applicants for licenses hereunder who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department of health before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 265. Section 8, chapter 172, Laws of 1967 as last amended by section 124, chapter 266, Laws of 1986 and RCW 74.15.080 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services, the secretary of the department of health, the director of community development, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder."

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kreidler on page 41, after line 21, and page 42, after line 26, to Engrossed Substitute House Bill No. 1324.

The motion by Senator Kreidler failed and the amendments were not adopted.

## MOTION

On motion of Senator Bender, Senator Moore was excused.

## MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1324 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1324.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1324 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Voguild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Conner, Kreidler, Talmadge - 3.

Excused: Senators DeJarnatt, Moore, Smith - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Smitherman: "Thank you, Mr. President. I rise to a point of personal privilege. Earlier today, many of you received notices that I would be offering an amendment on the floor relating to the control of assault weapons. As you know, we've had several attempts to deal with the idea of assault with rifles, like the AK47, AR15, the MAC11, Uzi, and so on, which many people feel have been used increasingly by drug dealers, producers, and organized street gangs for defending crack houses, plantations, as well as drive-by shootings. In Tacoma, recently, we had a shooting of a young girl on 56th Street—just last week—about a mile away from where Senator Wojahn lives. That was the second such shooting, within the period of less than a year, of totally innocent victims who were not involved with any type of illegal activity, or with the gangs. I wasn't going to, in my amendment, say we were going to do away with these weapons. Instead my amendment, the one I had intended to offer, didn't go that far. I would have required a state issued license to purchase or to own an assault weapon, but I wouldn't have prohibited them. The initial licensing fee would have been a hundred dollars with renewal of fifty dollars annually. I felt this would not only allow the police to know who might have these weapons, but also allow confiscation of ones held illegally. In addition, I felt it would raise new revenues which could be used in the fight on the war on drugs.

"I've decided not to offer that amendment for several reasons. First, in counting the votes on the floor, talking to people about it, I simply don't think that it is the will of this body to have such an amendment hang. Secondly, in a sense, it is almost totally symbolic in that the monies it would raise, would be very small and for all I know, you could create a problem for law enforcement in trying to enforce it and probably even another consideration would be that people might unintentionally become criminals, because they didn't know about the law, so that would be a problem. Lastly, I think the best legislation comes out of work with organizations like NRA and others to come to some conclusion about where we should go with these issues. So, it would be my intent to work with that organization toward doing something about assault weapons, but to do it in an orderly fashion and not through an amendment. I will not be offering that amendment and I wanted members to know. Thank you."

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson served notice that he would moved to reconsider the vote by which Substitute Senate Bill No. 5691 failed to pass the Senate earlier today.

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

## REPORTS OF STANDING COMMITTEES

March 28, 1989

HB 1035 Prime Sponsor, Representative Haugen: Providing additional qualifications for precinct election officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1989

EHB 1220 Prime Sponsor, Representative Nealey: Revising provisions for contract projects by water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 1386 Prime Sponsor, Committee on Local Government: Amending the requirement for creating small works roster. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1989

EHB 2013 Prime Sponsor, Representative Ferguson: Specifying when a financing bond issue is to be submitted to voters at a park and recreation district proposal election. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1989

HB 2142 Prime Sponsor, Representative Hargrove: Authorizing cities and towns to reimburse litigation expenses to reimburse prevailing parties in a lawsuit where the city or town is a party. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen.

Passed to Committee on Rules for second reading.

March 28, 1989

HB 2158 Prime Sponsor, Representative Rasmussen: Including comprehensive

cancer center in the definition of a health care facility. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:39 p.m., on motion of Senator Nelson, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:30 p.m. by President Pritchard.

#### REPORTS OF STANDING COMMITTEES

March 29, 1989

SB 5352 Prime Sponsor, Senator McDonald: Making appropriation for the 1989-91 biennium. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling, Smith.

HELD.

March 28, 1989

SHB 1115 Prime Sponsor, Committee on Agriculture and Rural Development: Authorizing purchase of legend drugs by animal control agencies. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1123 Prime Sponsor, Committee on Environmental Affairs: Regulating chlorofluorocarbons, and other ozone-depleting chemicals. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1301 Prime Sponsor, Committee on Environmental Affairs: Providing for radon studies. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1355 Prime Sponsor, Committee on Appropriations: Improving state motor vehicle operations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HEB 1433 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1445 Prime Sponsor, Representative Inslee: Authorizing financial aid to needy students enrolled on at least a half-time basis. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1457 Prime Sponsor, Committee on Appropriations: Regarding the indeterminate sentencing review board. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senator Talmadge.

Referred to Committee on Ways and Means.

March 29, 1989

SHB 1547 Prime Sponsor, Committee on Judiciary: Providing for medical support enforcement. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1570 Prime Sponsor, Representative R. Fisher: Changing election procedures in optional code cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1571 Prime Sponsor, Representative R. Fisher: Changing the procedure for filling port district vacancies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1631 Prime Sponsor, Representative Ferguson: Financing convention centers



through local improvement districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1657 Prime Sponsor, Representative R. Fisher: Creating a risk management program and agency accountability. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1669 Prime Sponsor, Committee on State Government: Protecting the confidentiality of initiative, referendum, or recall petitioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1747 Prime Sponsor, Representative R. Fisher: Eliminating charges for space in the candidates' pamphlet. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1769 Prime Sponsor, Representative Fraser: Allowing student exchange programs with institutions in other states. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1889 Prime Sponsor, Committee on Judiciary: Providing immunity for certain public employees. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1952 Prime Sponsor, Committee on Judiciary: Clarifying the durable power of attorney statute. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 2036 Prime Sponsor, Committee on Local Government: Modifying the regulations for metropolitan park districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 2054 Prime Sponsor, Representative Locke: Specifying the conditions which the state must follow prior to the release of involuntarily committed and dangerous individuals. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 2070 Prime Sponsor, Committee on Housing: Applying the state building code to buildings or structures moved into a county or city. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

EHCR 4403 Prime Sponsor, Representative Rust: Creating a Biospheric Task Force. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Bauer, Benitz, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 29, 1989

GA 9042 EDITH A. LAWRENCE, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Edmonds Community College District No. 23. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9056 DR. CYNTHIA K. REKDAL, appointed April 4, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Seattle Community College District No. 6.

## Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9085 MAJEL A. WILSON, reappointed February 17, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9087 PAUL HIRAI, reappointed December 16, 1988, for a term ending September 30, 1993, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9100 EDWARD E. CARLSON, reappointed January 17, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9105 JAMES C. WALDO, reappointed January 18, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Western Washington University.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9108 JEAN L. BESCHEL, reappointed January 25, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Eastern Washington University.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9112 THOMAS H. NIXON, appointed February 8, 1989, for a term ending September 30, 1992, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9113 PEARL McELHERAN, reappointed June 14, 1988, for a term ending September 30, 1992, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9116 ANNE M. WADE, reappointed February 17, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Tacoma Community College District No. 22.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9117 ROBERT YAMASHITA, reappointed January 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Tacoma Community College District No. 22.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

March 29, 1989

GA 9121 ROBERT KOZUKI, appointed February 22, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Pierce Community College District No. 11.  
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 5352 was advanced to second reading and placed on the second reading calendar.

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

## MESSAGES FROM THE HOUSE

March 29, 1989

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1339, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 29, 1989

Mr. President:

The House has passed passed:

SENATE BILL NO. 5032,

SUBSTITUTE SENATE BILL NO. 5034,

SENATE BILL NO. 5042,

SENATE BILL NO. 5045,

SENATE BILL NO. 5079,

SENATE BILL NO. 5089, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING

SCR 8411 by Senators Amondson, Owen, Anderson, Conner, Metcalf, Sutherland, Saling, Patterson, and Benitz

Providing assistance to the Washington Logging Show.

## MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8411 was advanced to second reading and placed on the second reading calendar.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5032,

SUBSTITUTE SENATE BILL NO. 5034,

SENATE BILL NO. 5042,

SENATE BILL NO. 5045,

SENATE BILL NO. 5079,

SENATE BILL NO. 5089.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1339.

## MOTION

On motion of Senator Anderson, Senator Lee was excused.

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

## SECOND READING

HOUSE BILL NO. 1138, by Representatives Baugher, McLean, Crane, Heavey, Rayburn, Haugen, Scott, Grant, Jesernig, Sayan, Hargrove, Rasmussen, Bristow, Ballard, Moyer, Smith, Patrick, Zellinsky, S. Wilson, R. King, Pruitt, Doty, Nealey, Fuhrman, Walk, H. Myers, Rector and Sprenkle

Creating a honey bee commission.

The bill was read the second time.

## MOTION

On motion of Senator Barr, the rules were suspended, House Bill No. 1138 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1138.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1138 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Lee - 2.

HOUSE BILL NO. 1138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1077, by Representatives Ebersole, Crane, Walk, Dellwo, Haugen, Todd, Smith, Gallagher, O'Brien, Brough, Ballard, Rector, Heavey, Jones, D. Sommers, Ferguson, Wineberry, H. Myers, G. Fisher, Miller, Phillips and Vaile

Modifying requirements for curb ramps for handicapped persons.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 83, Laws of 1973 as amended by section 1, chapter 137, Laws of 1977 ex. sess. and RCW 35.68.075 are each amended to read as follows:

(1) The standard for construction (~~(of curbs)~~) on any county road, or city(;) or town street, (~~(or any connecting street or town road)~~) for which curbs (~~(and sidewalks have been prescribed by the governing body of the county, town, or city having jurisdiction thereover)~~) in combination with sidewalks, paths, or other pedestrian access ways are to be constructed, shall be not less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least thirty-six inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons, without uniquely endangering blind persons.

(2) Standards set for curb ramping under subsection (1) of this section shall not apply to any curb existing upon enactment of this section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

(3) Upon September 21, 1977, every ramp thereafter constructed under subsection (1) of this section, which serves one end of a crosswalk, shall be matched by another ramp at the other end of the crosswalk. However, no ramp shall be required at the other end of the crosswalk if there is no curb nor sidewalk at the other end of the crosswalk. Nor shall any matching ramp constructed pursuant to this subsection require a subsequent matching ramp."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 35.68.075."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1077, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1077, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Lee - 2.

ENGROSSED HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1189, by Representatives Basich, S. Wilson, Vekich, Dorn, K. Wilson, Heavey, Baugher, Crane, Gallagher, Jones, Jacobsen, Sayan, O'Brien, Betzoff, Bristow, Belcher, Winsley, Dellwo, May, R. Meyers, Kremen, Brumsickle, Prince, Leonard, Anderson, Spanel, Zellinsky, Rasmussen, Ballard, Raiter, Prentice, Hine, Jesernig, P. King, R. King, Todd, G. Fisher, Haugen, Fuhrman, Wang, Van Luven, Moyer, Beck, H. Myers, Brekke, McLean, Phillips, Silver, Inslee, Rector, Brough, Cooper, Miller, Ebersole and Wineberry

Creating a memorial for Washington residents who died or are missing-in-action in the Korean conflict.

The bill was read the second time.

#### MOTION

Senator Thorsness moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 40.14 RCW to read as follows:

The director of the department of veterans affairs shall coordinate the design, construction, and placement of a memorial within the state capitol grounds honoring Washington state residents who died or are "missing-in-action" in the Korean conflict.

**NEW SECTION.** Sec. 2. A new section is added to chapter 40.14 RCW to read as follows:

The director of the department of veterans affairs or the director's designee shall chair an advisory committee composed of seven members to include the director of the department of veterans affairs or the director's designee, the secretary of state or the secretary's designee, the director of the department of general administration or the director's designee, and two members who are representatives of state veterans' organizations and who served in the Korean conflict, one appointed by the speaker of the house of representatives and one appointed by the president of the senate. In addition, two members who served in the Korean conflict will be appointed by the director of the department of veterans affairs. The advisory committee and the state capitol committee shall approve the design and placement of the memorial before construction begins.

**NEW SECTION.** Sec. 3. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of veteran affairs to carry out the purposes of this act."

#### POINT OF INQUIRY

Senator Smitherman: "Senator Thorsness, I had a gentleman drop by my office claiming to be one of the leaders for this particular memorial concept and it was his intent not for us to put twenty-five thousand dollars in it. He indicated to me that it was very important for them to have this be totally funded by private efforts. He felt that that was really essential--it was really an essential thing to him. Did that same gentleman talk to you or have you heard of that concept?"

Senator Thorsness: "He did not. We did have many Korean veterans speak to us from various veterans organizations and individuals. In fact, I asked during the hearing in Governmental Operations, what would they think of a loan if it needed that to get started and the unanimous, amongst those there and it was quite a variety of veterans of different organizations, did ask for this grant."

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment to Engrossed House Bill No. 1189.

The motion by Senator Thorsness carried and the committee amendment was adopted.

## MOTIONS

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 1 of the title, after "memorial;" strike the remainder of the title and insert "adding new sections to chapter 40.14 RCW; and making an appropriation."

On motion of Senator Thorsness, the rules were suspended, Engrossed House Bill No. 1189, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1189, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Lee - 2.

ENGROSSED HOUSE BILL NO. 1189, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1007, by Committee on Natural Resources and Parks (originally sponsored by Representatives Ballard, Ferguson, McLean and K. Wilson)

Promoting safety in water skiing.

The bill was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 2, following line 8, insert the following:

"(4) No person shall engage or attempt to engage in water skiing without wearing an adequate and effective United States Coast Guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit specifically designed by a manufacturer for that purpose and capable of floating the water skier.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person engaged in water skiing shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

(7) The requirements of subsections (3), (4), and (5) of this section shall not apply to water skiers and boat operators engaged in water ski tournaments, competitions, or exhibitions which have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events."

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1007, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1007, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1007, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore,



Murray, Nelson, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Anderson, Barr, Benitz, Craswell, Hansen, McCaslin, Patterson, Pullen, Saling, Stratton, Vognild, von Reichbauer - 12.

Excused: Senators DeJarnatt, Lee - 2.

SUBSTITUTE HOUSE BILL NO. 1007, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Vognild moved that the rules be suspended and Senate Rule 53 be suspended for the remainder of the night.

EDITOR'S NOTE: Senate Rule 53 reads: 'No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee, shall be adopted except by the affirmative vote of sixty percent of the Senators elected.'

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the rules be suspended and Senate Rule 53 be suspended for the remainder of the night.

The motion by Senator Vognild failed.

#### SECOND READING

SENATE BILL NO. 5352, by Senators McDonald, Gaspard and Rasmussen (by request of Governor Gardner)

Making appropriation for the 1989-91 biennium.

#### MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 5352 was substituted for Senate Bill No. 5352 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Vognild, all the amendments by Democrats, on the desk, to Substitute Senate Bill No. 5352 were withdrawn.

#### MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 16, line 35, increase the General Fund--State appropriation by \$500,000 and increase the Total Appropriation on page 17, line 2, by \$500,000

On page 17, following line 23, insert the following:

"(6) \$500,000 of the general fund--state appropriation is provided solely for continuation of the "Continuum of Care" projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990."

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator West, I would just like to know, would you offer an amendment for me next?"

Senator West did not reply.

The President declared the question before the Senate to be adoption of the amendments by Senator West on page 16, line 35, and page 17, following line 23, to Substitute Senate Bill No. 5352.

The motion by Senator West carried and the amendments were adopted.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Nelson, further consideration of Engrossed Substitute Senate Bill No. 5352 was deferred.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, by Committee on Appropriations (originally sponsored by Representatives Ebersole, Appelwick, Patrick, Wolfe, Haugen, Tate, Crane, Ballard, Brekke, Bowman, Sayan, Brumsickle, Waik, Wood, Dorn, Horn, Valle, Youngsman, Wang, McLean, Cantwell, Basich, Day, Brough, R. Meyers, Rayburn, Moyer, Peery, Winsley, Rasmussen, May, R. Fisher, Holland, Sprenkle, Miller, Rector, S. Wilson, Baugher, Chandler, Cooper, Schmidt, Raiter, Betzoff, Pruitt, Walker, H. Myers, Nealey, Heavey, Brooks, Ferguson, Padden, Doty, Fuhrman, Van Luven, Silver, D. Sommers, Beck, Spanel, Dellwo, Scott, Insee, Todd, Morris, K. Wilson, Gallagher, Prince, P. King, O'Brien, Jones, Smith, Hine and G. Fisher)

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

The bill was read the second time.

## MOTION

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

## \*INDEX

- Part I. Criminal Penalties
  - A. Crimes and Penalties
  - B. Juvenile Justice Boot Camp Pilot Project
  - C. Juvenile Driver's License Revocation
- Part II. Prevention, Investigation, and Procedure
  - A. One-Party Consent
  - B. Monitoring of Inmate Telephone Calls
  - C. Property Forfeiture
  - D. Off-Limits Orders
  - E. Drug Site Cleanup
  - F. Keg Registration
  - G. Special Narcotics Enforcement Unit
  - H. State-wide Drug Prosecution Assistance Program
- Part III. Social Programs and Education
  - A. Involuntary Treatment
  - B. Prevention and Early Intervention in Schools
  - C. Drug and Alcohol Treatment Services
  - D. Community Mobilization
- Part IV. Appropriations
- Part V. Revenue Provisions
- Part VI. Miscellaneous

## PART I

## CRIMINAL PENALTIES

## SUBPART A

## CRIMES AND PENALTIES

Sec. 101. Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 218, Laws of 1988 and RCW 9.94A.310 are each amended to read as follows:

(1)

TABLE 1  
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II		4m 0-90 Days	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I		0-60 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29

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

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the

sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

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

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

(b) 18 months for Burglary 1 (RCW 9A.52.020)

(c) 12 months for Assault 2 (RCW (~~9A.36.020~~) 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of section 111 of this 1989 act.

Sec. 102. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2  
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior)) (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Child Molestation 1 (RCW 9A.44.083)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
	<u>Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))</u>
	<u>Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))</u>
VII	Burglary 1 (RCW 9A.52.020)
	vehicular Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Child Molestation 2 (RCW 9A.44.086)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver (~~heroin or~~) narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(α)(1)(i))
- V Intimidating a Judge (RCW 9A.72.160)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Rape of a Child 3 (RCW 9A.44.079)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run — Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(α)(1)(i) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(α)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)

Reckless Endangerment 1 (RCW 9A.36.— (section 107 of this 1989 act))

- I Theft 2 (RCW 9A.56.040)  
 Possession of Stolen Property 2 (RCW 9A.56.160)  
 Forgery (RCW 9A.60.020)  
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
 Vehicle Prowl 1 (RCW 9A.52.095)  
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
 Malicious Mischief 2 (RCW 9A.48.080)  
 Reckless Burning 1 (RCW 9A.48.040)  
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
 False Verification for Welfare (RCW 74.08.055)  
 Forged Prescription (RCW 69.41.020)  
 Forged Prescription for a Controlled Substance (RCW 69.50.403)  
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 103, Section 7, chapter 115, Laws of 1983 as last amended by section 12, chapter 153, Laws of 1988 and by section 3, chapter 157, Laws of 1988 and RCW 9.94A.360 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

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

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

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

each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

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

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

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

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

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

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

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

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

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

Sec. 104. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 4, chapter 458, Laws of 1987 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

**NEW SECTION.** Sec. 105. A new section is added to chapter 69.50 RCW to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

**NEW SECTION.** Sec. 106. A new section is added to chapter 69.50 RCW to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

**NEW SECTION.** Sec. 107. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm at a dwelling, building, or motor vehicle and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm to the scene of the discharge.

(2) Reckless endangerment in the first degree is a class C felony.

Sec. 108. Section 9A.36.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.050 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct ~~((which creates a substantial risk of death or serious physical injury to another person))~~ not amounting to reckless endangerment in the first degree.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

Sec. 109. Section 10, chapter 270, Laws of 1984 as amended by section 11, chapter 455, Laws of 1985 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.



(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of

value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

Sec. 110. Section 2, chapter 138, Laws of 1981 and RCW 10.95.020 are each amended to read as follows:

A person is guilty of aggravated first degree murder if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or fire fighter who was performing his or her official duties at the time of the act resulting in death and the victim was known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

(6) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indefinite sentence review board (~~(of prison terms and paroles)~~); or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

(7) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime;

(8) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

(9) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree;

(d) Kidnapping in the first degree; ~~(or)~~

(e) Arson in the first degree; or

(f) A violation of the uniform controlled substances act under RCW 69.50.401 (a)(1)(i) or (b)(1)(i);

(10) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim.

NEW SECTION. Sec. 111. A new section is added to chapter 69.50 RCW to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine twice that authorized by RCW 69.50.401(a), a term of imprisonment twice that authorized by RCW 69.50.401(a), or both.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.01.055 or 28A.01.060. The term "school" also includes a private school approved under RCW 28A.02.201;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 112. Section 210, chapter 518, Laws of 1987 and RCW 28A.120.040 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under section 111 of this 1989 act and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

**NEW SECTION.** Sec. 113. Sections 101 through 110 of this act apply to crimes committed on or after July 1, 1989.

#### SUBPART B

#### JUVENILE JUSTICE BOOT CAMP PILOT PROJECT

Sec. 114. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 73, Laws of 1985 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement, including the boot camp program established in section 115 of this 1989 act, and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing proposed disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.

(b) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each even-numbered year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding two-year period. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.

(3) The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(4) If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(5) In developing and promulgating the permissible ranges of confinement under this section the commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

NEW SECTION, Sec. 115. A new section is added to chapter 13.40 RCW to read as follows:

(1) It is the intent of the legislature that the program established pursuant to this section shall benefit the state and counties by reducing the crowding in juvenile detention facilities and shall benefit both the community and the offenders by promoting the offenders' personal development and self-discipline, thereby making them more effective participants in society.

(2) The department of social and health services shall develop a juvenile boot camp program. At a minimum, such program shall include training in military discipline, physical training, counseling, community service, vocational training, and education classes that emphasize self-discipline, respect toward society, and obedience to the law. The program shall provide an intensive basic training and rehabilitative program for juveniles. The department shall adopt rules for the operation and successful completion of such program.

(3) The boot camp program shall last ninety days for any juvenile, except that the secretary may extend the time limit to one hundred twenty days if the juvenile has not adequately completed the program within ninety days as determined by the secretary according to rules adopted by the secretary.

(4)(a) A juvenile may be placed in the boot camp program if he or she is between fifteen and eighteen years of age at the time of adjudication and has been committed to the department for a term of confinement for which the maximum term is at least twelve weeks.

(b) The judge may order that a juvenile be placed in the boot camp program even when the sentencing standards do not provide for a term of which the maximum is at least twelve weeks if the judge makes a finding that ordering a lesser term would create a manifest injustice.

(c) Eligibility shall be denied if the respondent suffers from any mental or physical problem which could endanger his or her health or drastically affect his or her performance in the program.

(d) If the court has recommended a respondent for the boot camp program, the secretary shall assign that juvenile to the program if the secretary determines that he or she is eligible for and that there is room for the juvenile in the program.

(5)(a) The department shall provide an aftercare component for monitoring and assisting the release of boot camp participants into the community.

(b) The department shall keep records and monitor criminal activity and employment placement of the program participants after their release from the program. An outcome evaluation study shall be published no later than December 31, 1992, which shall include a comparison of criminal activity and employment placement records of juveniles completing the boot camp program with the criminal activity and employment records of youths completing other programs or commitment time.

(6) The department shall either establish criteria for training contract staff or provide a special training program for department staff selected for the boot camp program and shall include appropriate methods of dealing with minors.

(7) If a juvenile in the boot camp program becomes unmanageable or medically ineligible, the department shall remove the juvenile from the program and place the juvenile in secure detention until he or she is transferred to an equally restrictive commitment program.

(8) The department may contract with private companies for the operation of the boot camp program.

NEW SECTION, Sec. 116. Section 115 of this act shall expire on July 1, 1993.

#### SUBPART C

#### JUVENILE DRIVER'S LICENSE REVOCATION

Sec. 117. Section 2, chapter 148, Laws of 1988 and RCW 13.40.265 are each amended to read as follows:

(1) (a) If a juvenile (~~under eighteen years of age, but~~) thirteen years of age or (~~over~~) older is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, (~~a court~~) upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) (~~The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the~~

juvenile) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 118. Section 7, chapter 148, Laws of 1988 and RCW 46.20.265 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for ~~((one))~~ two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection. ~~((The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.))~~

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 119. Section 3, chapter 148, Laws of 1988 and RCW 66.44.365 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over.))~~ thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court.))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter.))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile.))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter

69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 120. Section 4, chapter 148, Laws of 1988 and RCW 69.41.065 are each amended to read as follows:

(1) If a juvenile ((under eighteen years of age, but thirteen or over;)) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ((the court;)) upon petition of a juvenile ((who has been found by the court to have committed an offense that is a violation of this chapter;)) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile)) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 121. Section 5, chapter 148, Laws of 1988 and RCW 69.50.420 are each amended to read as follows:

(1) If a juvenile ((under eighteen years of age, but thirteen or over;)) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ((the court;)) upon petition of a juvenile ((who has been found by the court to have committed an offense that is a violation of this chapter;)) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) ((The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile)) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 122. Section 6, chapter 148, Laws of 1988 and RCW 69.52.070 are each amended to read as follows:

(1) If a juvenile ((under eighteen years of age, but thirteen or over;)) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ((the court;)) upon petition of a juvenile ((who has been found by the court to have committed an offense that is a violation of this chapter;)) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) ((The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile)) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the

conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

PART II  
PREVENTION, INVESTIGATION, AND PROCEDURE  
SUBPART A  
ONE-PARTY CONSENT

Sec. 201. Section 1, chapter 93, Laws of 1967 ex. sess. as last amended by section 2, chapter 260, Laws of 1985 and by section 1, chapter 38, Laws of 1986 and RCW 9.73.030 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, ~~((wire))~~ communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, ~~((or))~~ (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, ~~((or))~~ (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, ~~((or))~~ (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, or (e) concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

NEW SECTION. Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to an order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) For the limited purpose of allowing any person who did not consent to the recording to impeach a witness in any criminal case involving the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW;

(b) With the permission of the person whose communication or conversation was recorded without his or her knowledge; or

(c) In a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) Nothing in this section, however, bars the admission of testimony of a participant in the communication or conversation unaided by information obtained in violation of RCW 9.73.030.

NEW SECTION. Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

The exception provided for in RCW 9.73.030(2)(e) is subject to the following restrictions:

(1) Before a conversation or communication is recorded, the police commander or an officer above the rank of first line supervisor shall complete a written authorization showing: (a) The date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation or communication, if known; (c) the expected date, location, and approximate time of the conversation or communication; and (d) the reasons for believing the recording will be of value;



(2) Within ten judicial days of an authorized recording obtained under subsection (1) of this section, the written authorization and recording shall be reviewed ex parte by a district court judge or magistrate for compliance with subsection (1) of this section. If the court determines that the recording has not been obtained in compliance with subsection (1) of this section, the court shall (a) order the recording and any copies or transcriptions thereof to be sealed and not to be unsealed or disclosed except upon court order; and (b) shall notify the prosecutor or attorney general to determine if a violation of RCW 9.73.030 has occurred; and

(3) If the court determines that the recording has been obtained in compliance with subsection (1) of this section, the recording shall be delivered to the prosecutor or attorney general. If the recording is deemed to be without value by the prosecutor or attorney general in a prosecution for the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the recording and any copies or transcriptions thereof shall be sealed and may not be unsealed or disclosed except upon court order. If the recording has not been ordered by a court to be unsealed, it and any copies or transcriptions thereof shall, three years after its making, be erased or destroyed without being transcribed.

(4) Information regarding any conversation or communication that is recorded under RCW 9.73.030(2)(e) shall be forwarded to the chief of the state patrol on forms developed and supplied by the state patrol. The transmittal of information and the report shall protect the privacy of any person whose conversation or communication has been recorded under RCW 9.73.030(2)(e).

Sec. 204. Section 6, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.080 are each amended to read as follows:

Any person who shall violate RCW 9.73.030 or section 203 of this 1989 act shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 205. Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each repealed.

NEW SECTION. Sec. 206. The chief of the Washington state patrol shall submit a report on January 1, 1990, and on January 1, 1991, to the senate committee on law and justice and the judiciary committee of the house of representatives on conversations and communications recorded under RCW 9.73.030(2)(e). The report shall include, but not be limited to:

- (1) The number of recordings made;
- (2) The circumstances justifying the recording;
- (3) The types and categories of alleged criminal activity;
- (4) The number of recordings used in criminal prosecutions;
- (5) The number of recordings not used in criminal prosecutions and the reasons for the nonuse;
- (6) The number of persons subjected to multiple recordings; and
- (7) The number of recordings determined by a magistrate or judge not to be in compliance with section 203(1) of this act.

#### SUBPART B

##### MONITORING OF INMATE TELEPHONE CALLS

NEW SECTION. Sec. 207. A new section is added to chapter 9.73 RCW to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility. For the purposes of this section, "state correctional facility" means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section:

(a) Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of the effective date of this section, their telephone conversations may be intercepted, recorded, and/or divulged.

(b) Unless otherwise provided for in this section, after intercepting or recording a telephone conversation, only the superintendent and his or her designee shall have access to that recording.

(c) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(d) All telephone conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section.

SUBPART C  
PROPERTY FORFEITURE

**NEW SECTION.** Sec. 208. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 209. Section 15, chapter 2, Laws of 1983 as last amended by section 2, chapter 282, Laws of 1988 and RCW 69.50.505 are each amended to read as follows:

- (a) The following are subject to seizure and forfeiture and no property right exists in them:
- (1) All controlled substances which have been manufactured, distributed, dispensed, ~~((or))~~ acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;
  - (2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;
  - (3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);
  - (4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), ~~((but))~~ except that:
    - (i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;
    - (ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ~~((his))~~ the owner's knowledge or consent;
    - (iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and
    - (iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;
  - (5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;
  - (6) All drug paraphernalia; ~~((and))~~
  - (7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to ~~((such))~~ an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW; PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission; PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and
  - (8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds

traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property; PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. No real property interest may be forfeited from a person who did not participate in the violation committed by a person who was a spouse at the time of the violation, that gave rise to the seizure to the extent of that person's homestead interest in the real property.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement

officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of ((items specified in subsection (a)(4) or (a)(7) of this section)) the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) ((Seventy-five)) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources; ((and))

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account created pursuant to section 401 of this 1989 act; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

SUBPART D  
OFF-LIMITS ORDERS

**NEW SECTION.** Sec. 210. The legislature finds that drug abuse is escalating at an alarming rate. New protections need to be established to address this drug crisis which is threatening every stratum of our society. Prohibiting known drug traffickers from frequenting areas for continuous drug activity is one means of addressing this pervasive problem.

**NEW SECTION.** Sec. 211. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Applicant" means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A "family or household member" as defined by RCW 10.99.020(1), who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest:

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) "Drug" or "drugs" means a controlled substance as defined in chapter 69.50 RCW or an "imitation controlled substance" as defined in RCW 69.52.020.

(3) "Known drug trafficker" means any person who has been convicted of a felony adult or juvenile drug offense in this state or an adult felony drug offense in another state or federal court who subsequently has been arrested for an adult felony drug offense in this state.

(4) "Off-limits orders" means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) "Protected against drug trafficking area" or "PADT area" means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.

**NEW SECTION.** Sec. 212. A court may enter an off-limits order enjoining a known drug trafficker who has been associated with drug trafficking in an area that the court finds to be a PADT area, from entering or remaining in a designated PADT area for up to one year. This relief may be ordered pursuant to applications for injunctive relief or as part of a criminal proceeding as follows:

(1) In a civil action, including an action brought under this chapter;

(2) In a nuisance abatement action pursuant to chapter 7.43 RCW;

(3) In an eviction action to exclude known drug traffickers or tenants who were evicted for allowing drug trafficking to occur on, the premises which were the subject of the eviction action;

(4) As a condition of pretrial release of a known drug trafficker awaiting trial on drug charges. The order shall be in effect until the time of sentencing or dismissal of the criminal charges; or

(5) As a condition of sentencing of any known drug trafficker convicted of a drug offense. The order may include all periods of community placement or community supervision.

**NEW SECTION.** Sec. 213. Upon the filing of an application for an off-limits order under section 212 (1), (2), or (3) of this act, the court shall set a hearing fourteen days from the filing of the application, or as soon thereafter as the hearing can be scheduled. If the respondent has not already been served with a summons, the application shall be served on the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

**NEW SECTION.** Sec. 214. Upon filing an application for an off-limits order under this chapter, an applicant may obtain an ex parte temporary off-limits order, with or without notice, only upon a showing that serious or irreparable harm will result to the applicant if the temporary off-limits order is not granted. An ex parte temporary off-limits order shall be effective for

a fixed period not to exceed fourteen days, but the court may reissue the order upon a showing of good cause. A hearing on a one-year off-limits order, as provided in this chapter, shall be set for fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the temporary off-limits order along with a copy of the application and notice of the date set for the full hearing. At the hearing, if the court finds that respondent is a known drug trafficker who has engaged in drug trafficking in a particular area, and that the area is associated with a pattern of drug activities, the court shall issue a one-year off-limits order prohibiting the respondent from having any contact with the PADT area. At any time within three months before the expiration of the order, the applicant may apply for a renewal of the order by filing a new petition under this chapter.

**NEW SECTION.** Sec. 215. In granting a temporary off-limits order or a one-year off-limits order, the court shall have discretion to grant additional relief as the court considers proper to achieve the purposes of this chapter. The PADT area defined in any off-limits order must be reasonably related to the area or areas impacted by the unlawful drug activity as described by the applicant in any civil action under section 212(1), (2), or (3) of this act. The court in its discretion may allow a respondent, who is the subject of any order issued under section 211 of this act as part of a civil or criminal proceeding, to enter an off-limits area or areas for health or employment reasons, subject to conditions prescribed by the court. Upon request, a certified copy of the order shall be provided to the applicant by the clerk of the court.

**NEW SECTION.** Sec. 216. A temporary off-limits order or a one-year off-limits order may not issue under this chapter except upon the giving of a bond or security by the applicant. The court shall set the bond or security in the amount the court deems proper, but not less than one thousand dollars, for the payment of costs and damages that may be incurred by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

**NEW SECTION.** Sec. 217. Nothing in this chapter shall preclude a party from appearing in person or by counsel.

**NEW SECTION.** Sec. 218. A copy of an off-limits order granted under this chapter shall be forwarded by the court to the local law enforcement agency with jurisdiction over the PADT area specified in the order on or before the next judicial day following issuance of the order. Upon receipt of the order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

**NEW SECTION.** Sec. 219. Any person who willfully disobeys an off-limits order issued under this chapter shall be subject to criminal penalties as provided in this chapter and may also be found in contempt of court and subject to penalties under chapter 7.20 RCW.

**NEW SECTION.** Sec. 220. (1) Any person who willfully disobeys an off-limits order issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who willfully disobeys an off-limits order in violation of the terms of the order and who also either:

- (a) Enters or remains in a PADT area that is within one thousand feet of any school; or
- (b) Is convicted of a second or subsequent violation of this chapter, is guilty of a class C felony.

**NEW SECTION.** Sec. 221. The superior courts shall have jurisdiction of all civil actions and all felony criminal proceedings brought under this chapter. Courts of limited jurisdiction shall have jurisdiction of all misdemeanor and gross misdemeanor criminal actions brought under this chapter.

**NEW SECTION.** Sec. 222. For the purposes of this chapter, an action may be brought in any county in which any element of the alleged drug trafficking activities occurred.

**NEW SECTION.** Sec. 223. Upon application, notice to all parties, and a hearing, the court may modify the terms of an off-limits order. When an order is terminated, modified, or amended before its expiration date, the clerk of the court shall forward, on or before the next judicial day, a true copy of the amended order to the law enforcement agency specified in the order. Upon receipt of an order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

**NEW SECTION.** Sec. 224. Sections 210 through 223 of this act shall constitute a new chapter in Title 10 RCW.

#### SUBPART E DRUG SITE CLEANUP

**NEW SECTION.** Sec. 225. A new section is added to chapter 69.50 RCW to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in section 2(5), chapter 2, Laws of 1989 (Initiative Measure No. 97), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected

hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

SUBPART F  
KEG REGISTRATION

**NEW SECTION.** Sec. 226. Only licensees holding a class A or B license in combination with a class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

- (1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 228 of this act;
- (2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;
- (3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:
  - (a) The purchaser is of legal age to purchase, possess, or use malt liquor;
  - (b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;
  - (c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 228 of this act to be affixed to the container;
- (4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and
- (5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

**NEW SECTION.** Sec. 227. Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

- (1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 228 of this act;
- (2) Provide one piece of identification pursuant to RCW 66.16.040;
- (3) Be of legal age to purchase, possess, or use malt liquor;
- (4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;
- (5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;
- (6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and
- (7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

**NEW SECTION.** Sec. 228. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by section 226 of this act.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

**NEW SECTION.** Sec. 229. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 226 through 228 of this act is punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

**NEW SECTION.** Sec. 230. The state of Washington fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter.

Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 231. Sections 226 through 230 of this act are each added to chapter 66.28 RCW.

#### SUBPART G

##### SPECIAL NARCOTICS ENFORCEMENT UNIT

NEW SECTION. Sec. 232. A new section is added to chapter 9A.82 RCW to read as follows:

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol, the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of three attorneys, two investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

#### SUBPART H

##### STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM

NEW SECTION. Sec. 233. A new section is added to chapter 36.27 RCW to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 234. A new section is added to chapter 36.27 RCW to read as follows:

There is established a state-wide advisory committee comprised of the attorney general, the chief of the Washington state patrol, both United States attorneys whose offices are located in Washington state, and three county prosecuting attorneys appointed by the Washington association of prosecuting attorneys, who will also act as supervising attorneys. The state-wide advisory committee shall select one of the supervising attorneys to act as project director of the drug prosecution assistance program.

NEW SECTION. Sec. 235. A new section is added to chapter 36.27 RCW to read as follows:

The project director of the drug prosecution assistance program shall employ up to five attorneys to act as special deputy prosecuting attorneys. A county or counties may request the assistance of one or more of the special deputy prosecuting attorneys. The project director after consultation with the advisory committee shall determine the assignment of the special deputy prosecutors. Within funds appropriated for this purpose, the project director may also employ necessary support staff and purchase necessary supplies and equipment.

The advisory committee shall regularly review the assignment of the special deputy prosecuting attorneys to ensure that the program's impact on the drug abuse problem is maximized.

During the time a special deputy prosecuting attorney is assigned to a county, the special deputy is under the direct supervision of the county prosecuting attorney for that county. The advisory committee may reassign a special deputy at any time: PROVIDED, That adequate notice must be given to the county prosecuting attorney if the special deputy is involved in a case scheduled for trial.

#### PART III

##### SOCIAL PROGRAMS AND EDUCATION

#### SUBPART A

##### INVOLUNTARY TREATMENT

Sec. 301. Section 294, page 187, Laws of 1854 as last amended by section 1501, chapter 212, Laws of 1987 and by section 11, chapter 439, Laws of 1987 and RCW 5.60.060 are each reenacted and amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband: nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.



(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 302. Section 2, chapter 447, Laws of 1985 as amended by section 1, chapter 212, Laws of 1986 and RCW 5.62.020 are each amended to read as follows:

No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 70.96A, 71.05, or 71.34 RCW.

Sec. 303. Section 11, chapter 305, Laws of 1955 as last amended by section 12, chapter 439, Laws of 1987 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and 71.05.250.

Sec. 304. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who (~~habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted~~) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) "Drug addict" means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner, to the extent that it is seriously interfering with the individual's health, economic, or social functioning. Drug addiction is characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(3) "Approved treatment facility" means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3) or meeting the standards prescribed in and approved under RCW 69.54.030;

~~((3))~~ (4) "Secretary" means the secretary of the department of social and health services;

~~((4))~~ (5) "Department" means the department of social and health services;

~~((5))~~ "Director" means the director of the division of alcoholism;)

(6) "Emergency service patrol" means a patrol established under RCW 70.96A.170;

(7) "Incapacitated by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~(his)~~ the need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

(8) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) is in danger of serious physical harm resulting from a failure to

provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety;

(9) "Incompetent person" means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (10) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

~~((10))~~ (11) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, drug addicts, persons incapacitated by alcohol or other drugs, and intoxicated persons;

(12) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(13) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 305. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by ~~((the police or the emergency service patrol))~~ a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The ~~((police or the emergency service patrol))~~ peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or ~~((member of an emergency patrol))~~ staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at ~~((the))~~ an approved treatment facility are authorized to use such reasonable physical restraint as may be necessary to retain an incapacitated or gravely disabled person ~~((incapacitated by alcohol at such facility))~~ for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ~~((in obtaining shelter))~~ with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible by the treatment facility. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The ~~((police, members of the emergency service))~~ peace officer, staff designated by the county, or treatment facility personnel, who ((in good faith)) act in compliance with this chapter and are performing in the course of their official duty ~~((and))~~ are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 306. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for ((the voluntary)) detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within ((two)) five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is ((not)) eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained ~~((by the))~~ in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her: in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him or her (~~and the treatment is likely to be beneficial~~).

(5) A person committed under this section shall remain in the facility for treatment for a period of ~~((thirty))~~ sixty days unless sooner discharged. At the end of the ~~((thirty))~~ sixty-day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

~~(6) (A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

~~(7))~~ Upon the filing of a petition for recommitment under subsection~~(s)~~ (5) ~~((or (6)))~~ of this section, the court shall fix a date for hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

~~((8))~~ (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

~~((9))~~ (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ~~((that he or she is no longer an alcoholic or))~~ the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

~~((10))~~ (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

~~((11))~~ (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

~~((12))~~ (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated

county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

**NEW SECTION.** Sec. 307. A new section is added to chapter 70.96A RCW to read as follows:

In any judicial proceeding for involuntary commitment or detention under this chapter, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention.

#### SUBPART B

##### PREVENTION AND EARLY INTERVENTION IN SCHOOLS

Sec. 308. Section 205, chapter 518, Laws of 1987 and RCW 28A.120.030 are each amended to read as follows:

(1) The citizens of the state of Washington recognize the serious impact of alcohol and drug abuse on a student's self-concept and on the ability of students to learn. Therefore, the substance abuse awareness program is established: ((+)) (a) To aid students in the development of skills that will assist them in making informed decisions concerning the use of drugs and alcohol; ((#)) (b) to contribute to the development and support of a drug-free educational environment; and ((#)) (c) to help school districts in the development of comprehensive drug and alcohol policies leading to the implementation of drug and alcohol programs that contain prevention, intervention, and aftercare components.

(2) New and existing substance abuse awareness programs funded pursuant to RCW 28A.120.030 through 28A.120.050 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

Sec. 309. Section 206, chapter 518, Laws of 1987 and RCW 28A.120.032 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt rules to implement this section and RCW 28A.120.034 through 28A.120.050 and shall distribute moneys appropriated for the purposes of RCW 28A.120.034 through 28A.120.050 to school districts ~~(on a grant basis from moneys appropriated for the purposes of this section and RCW 28A.120.034 through 28A.120.050; funds)~~ in accordance with the state funding formula set forth in the appropriations act for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The rules shall include selection criteria developed in consultation with the substance abuse advisory committee established under RCW 28A.120.038 and may include factors such as the number of students from low-income families, truancy rates, juvenile justice referrals, social services caseloads, and participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The following program areas may be funded through moneys made available for this section and RCW 28A.120.034 through 28A.120.050, including but not limited to:

((+)) (a) Comprehensive program development within the district's comprehensive health education program;

((#)) (b) Prevention programs;

((#)) (c) Elementary identification and intervention programs;

((#)) (d) Secondary identification and intervention programs;

((#)) (e) School drug and alcohol core team development and training;

((#)) (f) Development of counseling, referral, and preassessment procedures;

((#)) (g) Aftercare;

((#)) (h) Drug and alcohol specialist;

((#)) (i) Staff, parent, student, and community training; ~~((and~~

((#)) (j) Development and supervision of student mentor programs; and

(k) Coordination with law enforcement, which may include programs substantially similar to the drug abuse resistance education program (D.A.R.E.), community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

(3) For the purpose of subsection (2)(h) of this section "drug and alcohol specialist" means an educational staff associate employed by a school district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW 28A.04.120.

"Drug and alcohol specialist" may mean a drug treatment counselor or social worker on the staff of a drug treatment center certified by the bureau of alcohol and substance abuse within the department of social and health services who may be employed under contract between a school district and the drug treatment center.

Sec. 310. Section 207, chapter 518, Laws of 1987 and RCW 28A.120.034 are each amended to read as follows:

(1) School districts interested in implementing a substance abuse awareness program shall have on file an application for state or federal funds, or both, with the superintendent of public instruction. The application shall include the following:

(a) A letter of commitment from the board of directors to adopt a comprehensive written policy on drugs and alcohol, and a proposed substance (~~awareness~~) abuse awareness program and implementation plan, within six months of receipt of state funding. The (~~comprehensive policy and program~~) implementation plan shall address the issues of prevention, intervention, aftercare, and disciplinary policies, and shall emphasize cooperation and coordination of services among public and private agencies, including law enforcement agencies. If the district's board of directors has already adopted a comprehensive policy and plan, the district shall submit a copy of the comprehensive policy and plan;

(b) A letter of commitment from the board of directors to appoint a school and community substance abuse advisory committee if such a committee has not been established. The advisory committee shall include but is not limited to representatives of (~~at least the following~~): The school district instructional and administrative staff, students, parents, (~~state and~~) local (~~government~~) law enforcement personnel, and the county coordinator of alcohol and drug treatment(~~;~~) or his or her designee, or a representative of other treatment service providers. If the district has already established an advisory committee but its membership does not include members representing any of the groups identified in this subsection, the board of directors shall appoint an additional member or members, if necessary, accordingly.

The advisory committee shall work to help coordinate school district programs and services with programs and services available within the community and thereby contribute toward the development of a continuum of prevention, intervention, and (~~after care~~) after-care services within the total community and to avoid the duplication of services; and

(c) A copy of the district's assessment of the scope of the problem of drug and alcohol abuse within the district, as such use and abuse by individuals affects the learning environment in each school.

(2) The district shall demonstrate its plan to provide local matching funds of an amount equal to at least twenty percent of the state funds that the district is eligible to receive. Matching funds may be funds received from federal programs, other funds available to the district, or in-kind contributions: PROVIDED, That in-kind contributions shall be not more than one-half of the minimum matching funds required.

(3) The district shall provide an outline of procedures for evaluating the effectiveness of the district's substance abuse awareness program.

(4) Each school district receiving funding pursuant to RCW 28A.120.030 through 28A.120.050 shall submit biennially to the superintendent of public instruction a written report on the results of the district's substance abuse awareness program.

(5) Joint applications and programs may be undertaken by school districts. Districts which elect to participate in a joint program may file a joint application and establish a joint school and community substance abuse advisory committee.

NEW SECTION. Sec. 311. A new section is added to chapter 28A.120 RCW to read as follows:

(1) School districts are encouraged to promote parent and community involvement in substance abuse awareness programs, through parent visits under RCW 28A.58.053 and through any school involvement program established by the district under RCW 28A.58.640 through 28A.58.648.

(2) Districts are further encouraged to review substance abuse awareness programs as part of the self-study procedures required under RCW 28A.58.085 and as part of any annual goal-setting process the district may have established under RCW 28A.58.094.

#### SUBPART C

#### DRUG AND ALCOHOL TREATMENT SERVICES

Sec. 312. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 31, chapter 75, Laws of 1987 and by section 9, chapter 406, Laws of 1987 and RCW 74.04.005 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance (~~Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity;~~) and shall be (~~referred to~~) advised as to appropriate assessment, treatment, (~~shelter, or supplemental security income referral~~) or program services (~~as authorized~~) that may be available to them under chapters (~~74-56~~) 69.54, 70.96, and 70.96A RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcohol and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for (~~services~~) treatment under chapters (~~74-56~~) 69.54, 70.96, and 70.96A RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacity.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance



paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

**NEW SECTION.** Sec. 313. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide client assessment and treatment services within available funds. Where such treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who is eligible and what treatment is appropriate. The department shall establish rules of eligibility for the financially limited number of slots in both the residential care program and the outpatient treatment program accompanied by a living stipend. The rules shall set forth income and resource limits to assure that treatment priority is given to persons who are indigent or of low income. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(2) If the department determines that a woman who is pregnant or parenting an infant is eligible for treatment, that woman shall be given immediate priority for available treatment. In addition, the department shall coordinate to provide case management and support to these women to the extent that these services are available.

(3) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

**NEW SECTION.** Sec. 314. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide drug treatment services within available funding for persons suffering problems related to narcotic and other dangerous drugs. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) With the exception of those treatment services funded through alcohol and drug grants to counties and congregate care facility residential moneys, no individual may receive a

combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

Sec. 315. Section 8, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.080 are each amended to read as follows:

(1) The department shall establish by all appropriate means, including contracting for services, a comprehensive and coordinated program for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) The program shall include, but not necessarily be limited to:

(a) Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital or licensed medical institution:

(b) Intensive inpatient treatment services;

(c) ~~((Intermediate))~~ Recovery house treatment; and

(d) Outpatient ~~((and follow-up))~~ treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(3) With the exception of those treatment services funded through alcohol and drug grants to counties and congregate care facility residential moneys, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve additional treatment or living allowance in an exceptional case.

(4) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

~~((3))~~ (5) The department shall provide for adequate and appropriate treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons admitted under RCW 70.96A.110 through 70.96A.140. Treatment may not be provided at a jail or prison except for inmates.

~~((4))~~ (6) All appropriate public and private resources shall be coordinated with and utilized in the program if possible.

~~((5))~~ (7) The department shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities.

~~((6))~~ (8) The department may contract for the use of any facility as an approved public treatment facility if the secretary, subject to the policies of the department, considers this to be an effective and economical course to follow.

NEW SECTION. Sec. 316. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide client assessment and treatment within available funds. Where such treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who is eligible and what treatment is appropriate. The department shall establish rules of eligibility for the financially limited number of slots in both the residential care program and the outpatient treatment program accompanied by a living stipend. The rules shall set forth income and resource limits to assure that treatment priority is given to persons who are indigent or of low income. The department may require an applicant to complete a residential evaluation for the purposes of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(2) If the department determines that a woman who is pregnant or parenting an infant is eligible for treatment, that woman shall be given immediate priority for available treatment. In addition, the department shall coordinate to provide case management and support to these women to the extent that these services are available.

(3) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

NEW SECTION. Sec. 317. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 406, Laws of 1987, section 1, chapter 163, Laws of 1988 and RCW 74.50.010;

(2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020;

(3) Section 5, chapter 406, Laws of 1987 and RCW 74.50.040;

(4) Section 6, chapter 406, Laws of 1987, section 3, chapter 163, Laws of 1988 and RCW 74.50.050;

(5) Section 7, chapter 406, Laws of 1987, section 4, chapter 163, Laws of 1988 and RCW 74.50.060;

(6) Section 8, chapter 406, Laws of 1987 and RCW 74.50.070;

(7) Section 1, chapter 406, Laws of 1987 and RCW 74.50.900;

(8) Section 2, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.50.\_\_\_\_; and

(9) Section 3, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.08.\_\_\_\_.

#### SUBPART D

#### COMMUNITY MOBILIZATION

NEW SECTION, Sec. 318. The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

NEW SECTION, Sec. 319. There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing after-care and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

NEW SECTION, Sec. 320. Applications for funding under this chapter must:

(1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and

(2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

NEW SECTION, Sec. 321. This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complimentary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

NEW SECTION, Sec. 322. At a minimum, grant applications must include the following:

(1) Definition of geographic area;

(2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;

(3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the

community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse;

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

**NEW SECTION.** Sec. 323. The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in section 322 of this act; and

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

**NEW SECTION.** Sec. 324. The governor shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against

substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION. Sec. 325. The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this act and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 326. Sections 318 through 325 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 327. The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 319 of this act. At a minimum, the report shall include the following:

- (1) Number of grants awarded and the amount of each grant;
- (2) Recipients of grants, including the communities in which they are based;
- (3) Purposes for which the grants were awarded;
- (4) Success of the projects in achieving their stated goals and objectives;
- (5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated community action against substance abuse;
- (6) Recommendations for further funding by the state; and
- (7) Recommendations regarding future operations of the program, including criteria for awarding grants.

#### PART IV APPROPRIATIONS

NEW SECTION. Sec. 401. DRUG ENFORCEMENT AND EDUCATION ACCOUNT. The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 69.50.505 and section 505 of this act shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under this act.

NEW SECTION. Sec. 402. CRIMES AND PENALTIES. The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, eight million eight hundred thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 111 of this act. The remaining twelve million five hundred five thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

NEW SECTION. Sec. 403. JUVENILE JUSTICE BOOT CAMP PILOT PROJECT. The sum of one million eight hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated from the drug enforcement and education account to the department of social and health services for the biennium ending June 30, 1991, for the juvenile justice boot camp pilot project.

NEW SECTION. Sec. 404. MONITORING INMATE TELEPHONE CALLS. The sum of one hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of monitoring inmate telephone calls within state correctional facilities.

NEW SECTION. Sec. 405. SPECIAL NARCOTICS ENFORCEMENT UNIT. The sum of nine hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of establishing the special narcotics enforcement unit within the state patrol drug control assistance unit.

NEW SECTION. Sec. 406. STATE-WIDE DRUG PROSECUTION ASSISTANCE UNIT. The sum of five hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the state-wide drug prosecution assistance unit.

NEW SECTION. Sec. 407. INVOLUNTARY TREATMENT. The sum of four million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of sections 301 through 306 of this act.

NEW SECTION. Sec. 408. PREVENTION AND EARLY INTERVENTION IN SCHOOLS. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under sections 308 through 310 of this act.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

**NEW SECTION.** Sec. 409. DRUG AND ALCOHOL TREATMENT SERVICES. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to enhance the services provided under sections 313 through 316 of this act. The department shall seek federal matching funds for these services to the extent such funds are available.

**NEW SECTION.** Sec. 410. COMMUNITY MOBILIZATION. The sum of three million six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the purposes of funding community mobilization strategies. Of this amount, forty thousand dollars is to provide technical assistance to communities in meeting the conditions of grant applications.

**NEW SECTION.** Sec. 411. SECURITY IN SCHOOLS. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

**NEW SECTION.** Sec. 412. CRIME LAB ENHANCEMENT. The sum of eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of enhancing and expediting identification and analysis in drug cases.

**NEW SECTION.** Sec. 413. PRENATAL CASE MANAGEMENT AND SUPPORT SERVICES. The sum of fifteen million three hundred forty thousand dollars, or as much thereof as may be necessary, of which eight million one hundred sixty thousand dollars shall be from federal funds, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of establishing a maternity care case management and support service system that shall assist only high-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services. State funds may be expended under this section only to the extent that the federal matching moneys are received.

"High-risk eligible person," as used in this section, means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including, in the following order of priority, pregnant women who are drug or alcohol addicted or affected, pregnant and parenting adolescents, pregnant minority women who live in poverty, pregnant homeless women, and other eligible persons who need special assistance in gaining access to the maternity care system.

"Support services," as used in this section, should include a nursing assessment and followup, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services shall include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs.

**NEW SECTION.** Sec. 414. JUVENILE REHABILITATION--SUBSTANCE ABUSE. The sum of six hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to be used solely for the purposes of enhancing detection and treatment of the use of illegal drugs in the juvenile rehabilitation institutions.

**NEW SECTION.** Sec. 415. YOUTH ASSESSMENT AND TREATMENT. The sum of six million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

**NEW SECTION.** Sec. 416. ADULT CORRECTIONS--SUBSTANCE ABUSE. The sum of six hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop and implement a model to deliver a continuum of care to substance-dependent offenders and to conduct increased urinalysis testing.

**NEW SECTION.** Sec. 417. WORK RELEASE DRUG TREATMENT. The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop substance abuse treatment programs at the Reynolds work release facility and the eastern Washington prerelease facility.

**NEW SECTION.** Sec. 418. INTENSIVE DRUG SURVEILLANCE. The sum of one million one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for continued funding for the community corrections drug surveillance unit in King county and to initiate similar units in Pierce and Yakima counties.

**NEW SECTION.** Sec. 419. CLANDESTINE DRUG LABS. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to provide technical assistance to local governments in seizures of clandestine drug labs.

**NEW SECTION.** Sec. 420. NARCOTICS ENFORCEMENT. The sum of five hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to support multijurisdictional drug investigations and the eastern Washington drug task force.

**NEW SECTION.** Sec. 421. DRUG ABUSE RESISTANCE PROGRAM. The sum of two hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission to support the drug abuse resistance education program.

#### PART V

#### REVENUE PROVISIONS

Sec. 501. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 11, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars and eighty-nine cents per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited as provided in section 505 of this 1989 act by the twenty-fifth day of the following month.

(4) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 502. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited as provided in section 505 of this 1989 act by the twenty-fifth day of the following month.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

~~((6))~~ (7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((7))~~ (8) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 503. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1987 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of two and seventy-five one-hundredths mills per cigarette. All revenues collected during any month from this additional tax shall be deposited as provided in section 505 of this 1989 act by the twenty-fifth day of the following month.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((3))~~ (4) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 504. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 16, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) An additional tax is imposed upon the sale, use, consumption, handling, or distribution of all tobacco products subject to tax under subsection (1) of this section at the rate of ten and six-tenths percent of the wholesale sales price of such tobacco products. All revenues collected during any month from this additional tax shall be deposited as provided in section 505 of this 1989 act by the twenty-fifth day of the following month.

NEW SECTION. Sec. 505. A new section is added to chapter 82.02 RCW to read as follows:

(1) The intent of this section is to terminate the dedication of tax revenues for the drug enforcement and education account, unless the legislature expressly extends the dedication by amendment of this section.

(2) All revenues collected under RCW 66.24.290(3), 82.08.150(5), 82.24.020(2), and 82.26.020(3) shall be deposited as follows:

(a) Revenues collected for taxable events occurring before July 1, 1993, shall be deposited in the drug enforcement and education account.

(b) Revenues collected for taxable events occurring on and after July 1, 1993, shall be deposited in the state general fund.

(3) The legislative budget committee shall cause to be conducted a program and fiscal review of all expenditures from the drug enforcement and education account. The review shall



be completed no later than January 1, 1991. The review, and the legislature's consideration of the legislative budget committee's report after the review, shall be conducted in the manner provided in chapter 43.131 RCW.

PART VI  
MISCELLANEOUS

NEW SECTION. Sec. 601. A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 602. The legislature ratifies the juvenile disposition standards commission guidelines submitted to the 1989 legislature and endorses the action to increase penalties for juvenile drug offenders.

NEW SECTION. Sec. 603. Part, subpart, and section headings and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 604. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 605. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except sections 501 through 505 of this act shall take effect June 1, 1989."

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 12, after line 10 of the amendment, insert the following:

NEW SECTION. Sec. 107. A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to deliver, or possess with intent to deliver, hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, knowingly or under circumstances where the person reasonably should know that such syringes, needles, or other objects will be used or are intended to be used to unlawfully introduce a controlled substance into the human body. Any person who violates this section is guilty of a misdemeanor."

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

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I think the amendment by Senator Nelson and Senator Rasmussen expands the scope and object of Engrossed Second Substitute House Bill No. 1793. I think the bill that we have before us is an omnibus bill relating to alcohol and drug abuse prevention. There's no question about that, but it is very clear that the amendment by Senator Nelson and Senator Rasmussen is calculated to deal with the issue of AIDS. It has been spoken to in the context of the issue of AIDS. It is a concern that has been raised in several of the cities about the spread of the deadly AIDS virus and the question of whether IV drug use and the use of dirty needles is something that enhances and expands the problem of AIDS in the society. I think the amendment is not calculated to deal specifically with the issue of alcohol and drug abuse prevention, but rather is one dealing with the AIDS issue, raised in the context of the Omnibus AIDS Bill from last year and I believe for that reason it expands the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senators Nelson and Rasmussen to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Fleming to the Committee on Ways and Means amendment be adopted:

On page 31, beginning on line 5 of the amendment, strike all of sections 201 through 206 and insert the following:

**NEW SECTION.** Sec. 201. A new section is added to chapter 9.73 RCW to read as follows:

The legislature finds that the unlawful manufacturing, selling, and distributing of controlled substances is becoming increasingly prevalent and violent. Attempts by law enforcement officers to prevent the manufacture, sale, and distribution of drugs is resulting in numerous life-threatening situations since drug dealers are using sophisticated weapons and modern technological devices to deter the efforts of law enforcement officials to enforce the controlled substance statutes. Dealers of unlawful drugs are employing a wide variety of violent methods to realize the enormous profits of the drug trade.

Therefore, the legislature finds that conversations regarding illegal drug operations should be intercepted and transmitted in certain circumstances without prior judicial approval in order to protect the life and safety of law enforcement personnel and to enhance prosecution of drug offenses, and that that interception and transmission can be done without violating the constitutional guarantees of privacy.

**NEW SECTION.** Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a police commander or officer above the rank of first line supervisor has reasonable suspicion that the safety of the consenting party is in danger, law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept or transmit a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) Before any interception or transmission of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation, to the extent known; (c) the expected date, location, and approximate time of the conversation; and (d) the reasons for believing the consenting party's safety will be in danger.

(3) A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations made under this section, the date and time of each authorization, and whether an interception or transmission was made with respect to each authorization.

(4) Any information obtained pursuant to this section is inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) With the permission of the person whose communication or conversation was intercepted or transmitted without his or her knowledge;

(b) In a civil action for personal injury or wrongful death arising out of the same incident, where the cause of action is based upon an act of physical violence against the consenting party; or

(c) In a criminal prosecution, arising out of the same incident for a serious violent offense as defined in RCW 9.94A.030 in which a party who consented to the interception or transmission was a victim of the offense.

(5) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by information obtained pursuant to this section.

(6) The authorizing agency shall immediately destroy any written, transcribed, or recorded information obtained from an interception or transmission authorized under this section unless the agency determines there has been a personal injury or death or a serious violent offense which may give rise to a civil action or criminal prosecution in which the information may be admissible under subsection (4)(b) or (c) of this section.

**NEW SECTION.** Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

In each superior court judicial district in Washington there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The office of the administrator for the courts shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in each superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

**NEW SECTION.** Sec. 204. A new section is added to chapter 9.73 RCW to read as follows:

(1) As part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances:

(a) At least one party to the conversation or communication has consented to the interception, transmission, or recording; and

(b) Probable cause exists to believe that the conversation or communication involves the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) The agency's chief officer or designee authorizing an interception, transmission, or recording under subsection (1) of this section, shall prepare a written report at the time of authorization indicating:

(a) The circumstances that meet the requirements of subsection (1) of this section;

(b) The names of the authorizing and consenting parties, except that in those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged;

(c) The names of the officers authorized to intercept, transmit, and record the conversation or communication;

(d) The identity of the particular person or persons, if known, who may have committed or may commit the offense;

(e) The details of the particular offense or offenses that may have been or may be committed and the expected date, location, and approximate time of the conversation or communication; and

(f) Whether there was an attempt to obtain authorization pursuant to RCW 9.73.090(2) and, if there was such an attempt, the outcome of the attempt.

(3) An authorization under this section is valid in all jurisdictions within Washington state and for the interception of communications from additional persons if the persons are brought into the conversation or transaction by the nonconsenting party or if the nonconsenting party or such additional persons cause or invite the consenting party to enter another jurisdiction.

(4) The recording of any conversation or communication under this section shall be done in such a manner that protects the recording from editing or other alterations.

(5) An authorization made under this section is valid for no more than twenty-four hours from the time it is signed by the authorizing officer. The authorizing officer shall sign the written report required under subsection (2) of this section, certifying the exact date and time of his or her signature.

(6) Within fifteen days after any interception, transmission, or recording of a conversation or communications pursuant to this section, the law enforcement agency which made the interception, transmission, or recording shall submit a report to a judge of a court having jurisdiction which report shall identify (a) the persons, including the consenting party, who participated in the conversation, and (b) the date, location, and approximate time of the conversation.

In those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged.

A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations granted, the date and time of each authorization, interceptions made, arrests resulting from an interception, and subsequent invalidations.

(7)(a) Within two judicial days of receipt of a report under subsection (6) of this section, the court shall make an ex parte review of the authorization, but not of the evidence, and shall make a determination whether probable cause existed at the time of the authorization under subsection (1) of this section. If the court determines that probable cause did not exist, the court shall order that any recording and any copies or transcriptions of the conversation or communication be destroyed.

(b) Absent a continuation under (c) of this subsection, six months following a determination under (a) of this subsection that probable cause did not exist, the court shall cause a notice to be mailed to the last known address of any nonconsenting party to the conversation or communication that was the subject of the authorization. The notice shall indicate the date, time, and place of any interception, transmission, or recording made pursuant to the authorization. The notice shall also identify the agency that sought the authorization and shall indicate that a review under (a) of this subsection resulted in a determination that the authorization was made in violation of this section.

(c) An authorizing agency may obtain six-month extensions to the notice requirement of (b) of this subsection in cases of active, ongoing criminal investigations that might be jeopardized by sending the notice.

(8) In any subsequent judicial proceeding, evidence obtained through the interception or recording of a conversation or communication pursuant to this section shall be admissible only if:

(a) The court finds that there was probable cause as required by subsection (1)(b) of this section and the evidence is used in prosecuting an offense listed in subsection (1)(b) of this section; or

(b) The evidence is admitted with the permission of the person whose communication or conversation was intercepted, transmitted, or recorded; or

(c) The evidence is admitted in a prosecution for a "serious violent offense" as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense; or

(d) The evidence is admitted in a civil suit for personal injury or wrongful death arising out of the same incident, in which a party who consented to the interception, transmission, or recording was a victim of a serious violent offense as defined in RCW 9.94A.030.

Nothing in this subsection bars the admission of testimony of a party or eyewitness to the intercepted, transmitted, or recorded conversation or communication when that testimony is unaided by information obtained solely by violation of RCW 9.73.030.

(9) Any determination of invalidity of an authorization under this section shall be reported by the court to the office of the administrator for the courts.

(10) Any person who intentionally intercepts, transmits, or records or who intentionally authorizes the interception, transmission, or recording of a conversation or communication in violation of this section, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(11) An authorizing agency is liable for twenty-five thousand dollars in exemplary damages, in addition to any other damages authorized by this chapter or by other law, to a person whose conversation or communication was intercepted, transmitted, or recorded pursuant to an authorization under this section if:

(a) In a review under subsection (7) of this section, or in a suppression of evidence proceeding, it has been determined that the authorization was made without the probable cause required by subsection (1)(b) of this section; and

(b) The authorization was also made without a reasonable suspicion that the conversation or communication would involve the unlawful acts identified in subsection (1)(b) of this section. Sec. 205, Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may (~~(upon application of the officer who secured the original authorization)~~) renew or continue the authorization for ~~((an))~~ additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

NEW SECTION. Sec. 206. A new section is added to chapter 9.73 RCW to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate violations of sections 201 through 204 of this act or RCW 9.73.090 and initiate and conduct prosecutions of any violations upon request of any of the following:

(a) The person who was the nonconsenting party to the intercepted, transmitted, or recorded conversation or communication; or

(b) The county prosecuting attorney of the jurisdiction in which the offense has occurred.

(2) The request shall be communicated in writing to the attorney general.

Sec. 207. Section 5, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.120 are each amended to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;

(b) The kind of authorization applied for;

(c) The authorization was granted as applied for, was modified, or was denied;

(d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;

(e) The offense specified in the authorization or extension or renewal of authorization;

(f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; ~~((and))~~

(g) Whether an arrest resulted from the communication which was the subject of the authorization; and

(h) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 208. A new section is added to chapter 9.73 RCW to read as follows:

The administrator for the courts shall not later than January 2, 1991, report to the house of representatives judiciary committee and the senate law and justice committee on the number of authorizations made under sections 202 and 204 of this act and RCW 9.73.090, categorized according to whether the authorization was judicial or nonjudicial. The report shall also show the number of authorizations denied, the number of arrests resulting from the authorizations, the offenses charged, and the number of convictions resulting from the arrests. The administrator for the courts shall use the reports submitted pursuant to sections 202 and 204 of this act and RCW 9.73.090 together with inquiries to the appropriate law enforcement agencies and courts to prepare the report.

Sec. 209. Section 6, chapter 93, Laws of 1967 ex. sess and RCW 9.73.080 are each amended to read as follows:

Except as otherwise provided in this chapter, any person who ((shall)) violates RCW 9.73-.030 ((shall be)) is guilty of a gross misdemeanor."

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Fleming on page 31, beginning on line 5, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 13; nays, 34; excused, 2.

Voting yea: Senators Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Pullen, Smitherman, Talmadge, Warnke, Wojahn - 13.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 34.

Excused: Senators DeJarnatt, Lee - 2.

#### MOTION

Senator Wojahn moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 90, after line 31, insert the following:

\*NEW SECTION, Sec. 422. DRUG INFORMATION CENTERS.

(1) The sum of one hundred thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, to fund the University of Washington drug information center.

(2) The sum of one thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, to fund the Washington State University drug information center."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wojahn on page 90, after line 31, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

The motion by Senator Wojahn carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Matson moved that the following amendments by Senators Matson and Vognild to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 91, beginning on line 1 of the amendment, insert the following:

\*NEW SECTION, Sec. 501. A new section is added to chapter 9.46 RCW to read as follows:

(1) There is levied a state excise tax on sales of all punch boards and pull-tabs by punch board and pull-tab operators licensed in this state. There is also levied a state tax on the operation of social card games by operators licensed in this state. The rate of the taxes shall equal three percent of the gross receipts from the activities, without any deduction for prizes paid or other expenses. The taxes shall be paid to the department of revenue and shall be deposited as provided in section 510 of this act.

(2) The taxes imposed in this section are in addition to any other tax imposed by law.

(3) Chapter 82.32 RCW, insofar as applicable, applies to the taxes imposed in this section. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the taxes imposed in this section.

Sec. 502. Section 39, chapter 4, Laws of 1987 and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to

any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county; PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a ~~((fifty-cent))~~ one dollar limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary; AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes; PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed ~~((five))~~ three percent of gross receipts, nor shall taxation of social card games exceed ~~((twenty))~~ three percent of the gross revenue from such games.

Sec. 503. Section 11, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.113 are each amended to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.46.110 shall use the revenue from such tax ~~((primarily))~~ for the purpose of law enforcement ~~((of the provisions of this chapter by the county, city or town law enforcement agency))~~.

NEW SECTION, Sec. 504. A new section is added to chapter 67.70 RCW to read as follows:

(1) There is levied a state excise tax on the retail sale of lottery tickets and shares in this state by licensed lottery sales agents. The rate of the tax shall equal five percent of the selling price of the tickets or shares.

(2) All revenues collected under this section shall be deposited as provided in section 510 of this act.

(3) Chapter 82.32 RCW and RCW 82.08.050, insofar as applicable, apply to the tax imposed in this section. The tax due dates, reporting periods, and return requirements applicable to chapter 82.08 RCW apply equally to the tax imposed in this section.

(4) The department of revenue shall administer this section and may adopt rules to implement this section.

Sec. 505. Section 3, chapter 158, Laws of 1935 as last amended by section 11, chapter 452, Laws of 1987 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month

from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to two and four-tenths cents per liter. All revenues collected during any month from this additional tax shall be deposited as provided in section 510 of this 1989 act by the twenty-fifth day of the following month.

Remember the sections consecutively and correct any internal references accordingly.

On page 91, beginning on line 34 of the amendment, strike "two dollars and eighty-nine" and insert "eighty-six"

On page 92, line 28 of the amendment, strike "seven" and insert "two and four-tenths"

On page 93, line 23 of the amendment, strike "two and seventy-five one-hundredths mills" and insert "one mill"

On page 94, beginning on line 21 of the amendment, strike "ten and six-tenths" and insert "three and five-tenths"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Matson and Vognild on page 91, beginning on line 1, and page 91, beginning on line 34; page 92, line 28; page 93, line 23 and page 94, beginning on line 21, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were adopted by the following vote: Yeas, 24; nays, 23; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Hansen, Kreidler, Matson, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Thorsness, Vognild, Warnke, Wojahn - 24.

Voting nay: Senators Anderson, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Madsen, McDonald, Murray, Niemi, Owen, Pullen, Sellar, Stratton, Sutherland, Talmadge, von Reichbauer, West, Williams - 23.

Excused: Senators DeJarnatt, Lee - 2.

#### MOTION

On motion of Senator Matson, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 94, line 32 of the amendment, strike "66.24.290(3)" and insert "9.46.---(section 501 of this act), 66.24.210(4), 66.24.290(3), 67.70.--- (section 504 of this act)."

#### MOTION

Senator Stratton moved that the following amendments by Senators Stratton and Wojahn to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 85, line 17, after "treasury," strike everything down through and including "account," on line 18, and insert "Sixty-seven million one hundred thousand dollars from the state lottery shall be deposited in this account."

On page 90, after line 33, strike everything through "RCW;" on page 95, line 10, and insert the following:

"Sec. 501. Section 4, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 801, chapter 289, Laws of 1988 and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket: PROVIDED, That approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;



- (c) The numbers and sizes of the prizes on the winning tickets or shares;
- (d) The manner of selecting the winning tickets or shares;
- (e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;
- (f) The frequency of the drawings or selections of winning tickets or shares, without limitation;
- (g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;
- (h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;
- (i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;
- (j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;
- (k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, less amounts of unclaimed prizes deposited in the general fund under RCW 67.70.190 during the fiscal year ending June 30, 1989, (ii) transfers to the lottery administrative account created by RCW 67.70.260, ~~((and))~~ (iii) transfer to the drug enforcement and education account as provided in section 401 of this 1989 act, and (iv) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;
- (l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.
- (2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.
- (3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.
- (4) To advise and make recommendations to the director for the operation and administration of the lottery."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Stratton and Wojahn on page 85, line 17, and page 90, after line 33, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

The motion by Senator Stratton failed and the amendments to the committee amendment were not adopted.

#### MOTION

Senator Sutherland moved that the following amendments by Senators Sutherland, Madsen, Bauer, McMullen, Wojahn, Williams, Hansen and Conner to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 85, after line 14, strike all of section 401.

Re-number remaining sections accordingly.

On page 85, line 24, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 85, line 34, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 86, line 7, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 86, line 13, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 86, line 20, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 86, line 26, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 86, line 32, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 87, line 9, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 87, line 17, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 87, line 24, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 88, line 8, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 88, line 16, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 89, line 9, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 89, line 15, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 89, line 30, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 90, line 3, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 90, line 10, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 90, line 17, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 90, line 23, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 90, line 29, after "from" delete "the drug enforcement and education account" and insert "the state general fund"

On page 90, after line 31, strike everything through "RCW" on page 95, line 10

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Sutherland and others to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rinehart, Smitherman, Stratton, Sutherland, Vogniild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Fleming, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Talmadge, Thorsness, von Reichbauer, West - 27.

Excused: Senators DeJarnatt, Lee - 2.

#### MOTION

On motion of Senator Craswell, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and were adopted:

On page 91 of the amendment, on line 33, strike "An" and insert "Until July 1, 1993, an"

On page 92 of the amendment, on line 27, strike "An" and insert "Until July 1, 1993, an"

On page 93 of the amendment, on line 21, strike "An" and insert "Until July 1, 1993, an"

On page 94 of the amendment, on line 19, strike "An" and insert "Until July 1, 1993, an"

On page 94 of the amendment, beginning on line 33, after "deposited" strike all material down through line 3 on page 95 and insert "in the drug enforcement and education account."

There being no objection, the Senate resumed consideration of the amendment by Senators Nelson and Rasmussen on page 12, after line 10, to the Committee on Ways and Means amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Second Substitute House Bill No. 1793 is an omnibus measure relating to alcohol and controlled substance abuse which among other things increases or establishes penalties for various drug related crimes.

The amendment to the committee amendment proposed by Senators Nelson and Rasmussen, makes it a misdemeanor to deliver or possess with intent to deliver

needles or other devices intended to be used to inject controlled substances into the body.

"The President, therefore, finds that the proposed amendment to the committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Nelson and Rasmussen on page 12, after line 10, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793 was ruled to be in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Rasmussen on page 12, after line 10, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson and Rasmussen on page 12, after line 10, to the Committee on Ways and Means amendment to Engrossed Second Substitute House Bill No. 1793.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. Several times tonight, I have heard members on the floor ask for oral roll calls. Do we have other roll calls in this Senate other than oral?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Well, when we do have one, I'll inform you. I don't know of one."

Senator McCaslin: "If we do, I don't have any written instructions here about writing my vote down, so hopefully they'll straighten out their act and just ask for a roll call."

President Pritchard: "Thank you, Senator."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were adopted by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West - 33.

Voting nay: Senators Conner, Fleming, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Pullen, Rinehart, Talmadge, Vognild, Williams, Wojahn - 14.

Excused: Senators DeJarnatt, Lee - 2.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Second Substitute House Bill No. 1793.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTION

On motion of Senator Pullen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "abuse," strike the remainder of the title and insert "amending RCW 9.94A.310, 69.50.401, 9A.36.050, 9A.82.100, 10.95.020, 28A.120.040, 13.40.030, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.080, 69.50.505, 5.62.020, 18.83.110, 70.96A.020, 70.96A.120, 70.96A.140, 28A.120.030, 28A.120.032, 28A.120.034, 70.96A.080, 66.24.290, 82.08.150, 82.24.020, and 82.26.020; reenacting and amending RCW 9.94A.320, 9.94A.360, 9.73.030, 5.60.060, and 74.04.005; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 28A.120 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding new sections to chapter 69.54 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 82.02 RCW; creating new sections; repealing RCW 9.73.050,

74.50.010, 74.50.020, 74.50.040, 74.50.050, 74.50.060, 74.50.070, and 74.50.900; repealing section 2, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.50.\_\_\_\_; repealing section 3, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.08.\_\_\_\_; prescribing penalties; making appropriations; providing an expiration date; providing an effective date; and declaring an emergency."

On page 96, line 14 of the title amendment, after "70.96A.080," insert "9.46.110, 9.46.113, 66.24.210."

On page 96, line 16 of the title amendment, after "74.04.005;" insert "adding a new section to chapter 9.46 RCW;"

On page 96, line 22 of the title amendment, after "66.28 RCW;" insert "adding a new section to chapter 67.70 RCW;"

#### MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Second Substitute House Bill No. 1793, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1793, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1793, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Wojahn - 37.

Voting nay: Senators Amondson, Cantu, Craswell, Kreidler, Matson, Moore, Murray, Niemi, Rinehart, Williams - 10.

Excused: Senators DeJarnatt, Lee - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5352, deferred on third reading earlier today.

Debate ensue.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5352.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognilid, Warnke, Williams, Wojahn - 20.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:29 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, March 30, 1989.

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

## EIGHTY-FIRST DAY

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### NOON SESSION

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Senate Chamber, Olympia, Thursday, March 30, 1989

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

The Sergeant at Arms Color Guard, consisting of Pages Gillian Benn and Brent Hookum, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Tumwater, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 29, 1989

SHB 1388 Prime Sponsor, Committee on State Government: Limiting the application of the good samaritan statute. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1415 Prime Sponsor, Committee on Higher Education: Revising provisions for tuition fees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

March 28, 1989

EHB 1454 Prime Sponsor, Representative Todd: Specifying ownership of transportation improvements in a transportation benefit district. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, McMullen, Madsen, Murray, Sellar, Sutherland, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

SHB 1495 Prime Sponsor, Committee on Trade and Economic Development: Establishing a business and job retention program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

March 29, 1989

SHB 1560 Prime Sponsor, Committee on Health Care: Making changes to medical care provisions. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1635 Prime Sponsor, Committee on Judiciary: Making changes to support enforcement provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

EHB 1709 Prime Sponsor, Representative O'Brien: Revising provisions for medical aid purchase of health care goods and services. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1711 Prime Sponsor, Committee on Commerce and Labor: Creating a crime prevention employee training program for businesses during late night hours. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1816 Prime Sponsor, Representative H. Sommers: Changing provisions for sureties for public works bonds. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 28, 1989

HB 1904 Prime Sponsor, Representative Hine: Substituting the word improvements, in place of facilities, for use as security for transportation impact fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, McMullen, Madsen, Murray, Sellar, Sutherland, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1976 Prime Sponsor, Representative Prentice: Extending the project cost evaluation methodology program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1989

HB 2045 Prime Sponsor, Representative Prince: Revising mileage-based special fuel tax computation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, McMullen, Madsen, Murray, Sellar, Sutherland, Thorsness.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 2060 Prime Sponsor, Representative Patrick: Providing industrial insurance coverage for the horse racing industry. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 23, 1989

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

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

Alma Misako Kimura, appointed March 23, 1989, for a term ending December 31, 1989, as a member of the Public Disclosure Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, March 31, 1989.

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



## EIGHTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 31, 1989

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bender, DeJarnatt, Fleming, McDonald, Vognild, West and Wojahn. On motion of Senator Bauer, Senators Bender, DeJarnatt, Fleming, Vognild and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Donna Downing and Ben Viet Ly, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Tumwater, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 30, 1989

SHB 1011 Prime Sponsor, Committee on Judiciary: Increasing the number of superior court judges to eleven. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

March 30, 1989

EHB 1019 Prime Sponsor, Representative P. King: Allowing home detention for certain burglars. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Hayner, Nelson, Newhouse, Niemi, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1222 Prime Sponsor, Representative G. Fisher: Providing for containment of waste. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1280 Prime Sponsor, Committee on Natural Resources and Parks: Modifying requirements of marine geologic explorations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

EHB 1342 Prime Sponsor, Representative Dellwo: Allowing department of corrections to petition for review of sentences. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1426 Prime Sponsor, Committee on Fisheries and Wildlife: Relating to the hound stamp. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1455 Prime Sponsor, Committee on Judiciary: Authorizing local elections in single district courts with multiple courtrooms. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1504 Prime Sponsor, Committee on Environmental Affairs: Providing for the evaluation of indoor air quality in public buildings. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1568 Prime Sponsor, Committee on Environmental Affairs: Revising requirements regarding procurement and solid waste disposal. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1671 Prime Sponsor, Committee on Environmental Affairs: Providing major solid waste reform. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Barr, Bauer, Benitz, Owen, Patterson.

Referred to Committee on Ways and Means.

March 30, 1989

SHB 1746 Prime Sponsor, Committee on Housing: Prohibiting discrimination in real estate transactions because of parental status. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Madsen, Nelson, Newhouse, Niemi, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1768 Prime Sponsor, Representative Todd: Increasing the building permit fee. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Stratton, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1828 Prime Sponsor, Committee on Environmental Affairs: Prescribing financial responsibility for vessels that spill oil. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Bauer, Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1857 Prime Sponsor, Committee on Energy and Utilities: Regulating public water systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Sutherland, Williams.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1864 Prime Sponsor, Committee on Health Care: Concerning quality of care in nursing homes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

March 29, 1989

SHB 1894 Prime Sponsor, Committee on Health Care: Making technical changes in dental hygiene and dentistry. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 2037 Prime Sponsor, Representative Raiter: Extending exemptions for Mt. St. Helens recovery operations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Bauer, Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 2041 Prime Sponsor, Committee on Housing: Changing landlord-tenant law. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Madsen, Nelson, Newhouse, Niemi, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 2098 Prime Sponsor, Representative Walk: Modifying provisions for computing county road costs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, Hansen, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 2168 Prime Sponsor, Representative Nelson: Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland, Williams.

Referred to Committee on Ways and Means.

March 29, 1989

SHB 2201 Prime Sponsor, Committee on Transportation: Revising funding of the Hood Canal Bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, Hansen, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

HJM 4018 Prime Sponsor, Representative Todd: Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Sutherland, Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 29, 1989

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

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

George E. Northcroft, appointed March 29, 1989, for a term beginning May 1, 1989, and continuing at the Governor's pleasure, as Director of the Department of Retirement Systems.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

#### INTRODUCTION AND FIRST READING

SCR 8412 by Senators Hayner, Sellar, Vognild and Warnke

Creating a committee on the Spanish Quincentennial.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8412 was advanced to second reading and read the second time.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8412 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8412.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8412 and the resolution passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Williams - 41.

Absent: Senators Barr, McDonald, West - 3.

Excused: Senators Bender, DeJarnatt, Fleming, Vognild, Wojahn - 5.

SENATE CONCURRENT RESOLUTION NO. 8412, having received the constitutional majority was declared passed.

#### INTRODUCTION OF SPECIAL GUEST

The President turned the gavel over to Senator Gaspard who introduced the 1989 Daffodil Festival Queen, Lea Fonda Snider, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Queen Lea to address the Senate.

Senator Rasmussen gave a special welcome to the Daffodil Festival Queen.

Senator Gaspard returned the gavel to the President and the Queen was escorted from the Senate Chamber.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9042, Edith A. Lawrence, as a member of the Board of Trustees for the Edmonds Community College, District No. 23, was confirmed.

#### APPOINTMENT OF EDITH A. LAWRENCE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators McCaslin, West - 2.

Excused: Senators Bender, DeJarnatt, Fleming - 3.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1358, by Representatives Crane, Padden, P. King, Sayan, Heavey, Rector, Ebersole and Inslee (by request of Governor Gardner and Attorney General)

Modifying the new Administrative Procedure Act and making conforming amendments.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 6, line 15, after "7.68.110" insert "and 51.48.131"

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 132, line 17, after "71A.10.070;" strike "and"

On page 132, line 19, after "community" insert "; and (g) A decision to change a person's placement from one category of residential services to a different category of residential services"

#### MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1358, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senators Matson and McCaslin were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1358, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1358, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Smith - 1.

Excused: Senators Bender, DeJarnatt, Fleming, Matson, McCaslin - 5.

ENGROSSED HOUSE BILL NO. 1358, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bauer, Senator Owen was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1026, by Representatives Spanel, R. King, S. Wilson, Haugen, Nelson, Brekke and K. Wilson (by request of Department of Fisheries)

Regulating sea urchin fishing.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 1026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, this is one of those moratorium bills. My question is, the Constitution provides that we shall never grant any hereditary privileges. This would indicate that these licenses stay in the family for ever and ever and ever. Isn't that prohibited by the Constitution?"

Senator Metcalf: "OK, I'm not an expert on that part of the Constitution. The requirement is that in order to retain a license to harvest sea urchins, you must have harvested them for the last couple of years--a certain amount--and then those licenses like the other crab and salmon licenses that we have had, you retain them. You can't just put them on the market and sell them--but they can go from one family member to another."

Senator Rasmussen: "We had that in the old English, where we had dukes and earls and it went down through the family and only through the family and we're heading that way now and I thought the Constitution prohibited that."

Senator Metcalf: "As I say, I'm not an expert on that part of the Constitution. I don't know how this would come out constitutionally in a court case."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1026.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1026 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Conner, Rasmussen - 2.

Excused: Senators Bender, DeJarnatt, McCaslin, Owen - 4.

ENGROSSED HOUSE BILL NO. 1026, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1249, by Representatives Rust, D. Sommers, G. Fisher, May, Anderson, S. Wilson, Kremen, Pruitt, Valle, Winsley, Jones, K. Wilson, O'Brien, Locke, Brekke, Phillips, Spanel, Heavey and Miller

Addressing plastic debris in marine environments.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 1249 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1249.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1249 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Bluechel - 1.

Excused: Senators Bender, DeJarnatt - 2.

ENGROSSED HOUSE BILL NO. 1249, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### THIRD READING

##### INITIATIVE TO THE LEGISLATURE NO. 99

Providing for a presidential preference primary.

The initiative was read the third time.

Debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Senator McCaslin, Senator Bluechel mentioned something and I wasn't on the committee and I apologize for not knowing this for absolute certain. If this bill passes and if you want to vote in a presidential primary, as a result of this bill, will you have to go down and register as a Republican or a Democrat or will you have to ask for a Republican or Democratic ballot and will that be recorded anywhere?"

Senator McCaslin: "Well, it's a two part question. When you ask me if you have to register, no you do not have to register. If you wish to vote in a presidential election, you must request a ballot which will identify you as a Republican or a Democrat. What goes on from then, I'm not sure, but I'm sure that somehow people will get lists from it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Sutherland: "Senator McCaslin, the question that Senator Metcalf just raised and that was one of some sort of a partisan affiliation or identification during a presidential primary process. I just thought it might be helpful for us to clarify. In the current process that we have right now, the caucus process, when we attend those functions, do we in some way sign in and register whether we're going to a Democratic or to a Republican caucus?"

Senator McCaslin: "Well, I think when we arrive at our precinct committee persons' residence to discuss the upcoming campaigns, I think we identify ourselves as either Republican or Democrat."

Senator Sutherland: "And those lists are then made available, as time goes on, to other individuals? Is that correct?"

Senator McCaslin: "Yes, we have lists all over the place."

Senator Sutherland: "So, I guess in a manner of speaking, this piece of legislation doesn't really change whether or not you're going to be identifying yourself as a Republican or a Democrat if you participate in a presidential primary. It just expands it so a lot of individuals can participate rather than just a limited number."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Initiative No. 99.

#### ROLL CALL

The Secretary called the roll on the final passage of Initiative No. 99 and the initiative passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wjahn - 38.

Voting nay: Senators Amondson, Lee, Matson, McCaslin, Metcalf, Moore, Patterson, Pullen, Sellar, West - 10.

Excused: Senator DeJarnatt - 1.

INITIATIVE NO. 99, having received the constitutional majority was declared passed.

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

There being no objection the Senate resumed consideration of Second Substitute Senate Bill No. 5624 and the pending amendment by Senator Vognild on page



33, after line 13, deferred on March 15, 1989, after the President ruled the amendment to be in order.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild on page 33, after line 13, to Second Substitute Senate Bill No. 5624.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator DeJarnatt - 1.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Bailey, Johnson, Smitherman, Wojahn, Gaspard, von Reichbauer, Rasmussen, Warnke and Stratton be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 302, Laws of 1961 and RCW 13.04.240 are each amended to read as follows:

An order of court adjudging a child a delinquent ((or)), a dependent, or a high-risk youth under the provisions of this ((chapter)) title shall in no case be deemed a conviction of crime.

Sec. 2. Section 14, chapter 155, Laws of 1979 as amended by section 15, chapter 3, Laws of 1983 and RCW 13.04.300 are each amended to read as follows:

Nothing in chapter 13.04, 13.06, 13.32A, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found ((both)) a dependent, a high-risk youth, and an offender if there exists a factual basis for such a finding.

NEW SECTION, Sec. 3. (1) There is established in Pierce county a pilot project for high-risk youth.

(2) The juvenile court in Pierce county shall have the exclusive original jurisdiction over proceedings relating to juveniles alleged or found to be high-risk youth as provided in this chapter.

(3) Probation counselors appointed by the juvenile court administrator in Pierce county shall receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition alleging that a youth is a high-risk youth under this chapter. Probation counselors shall also assist in any intervention necessitated by this chapter.

(4) It shall be the duty of the prosecuting attorney to handle high-risk youth proceedings.

Sec. 4. Section 17, chapter 155, Laws of 1979 as amended by section 6, chapter 257, Laws of 1985 and RCW 13.32A.030 are each amended to read as follows:

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

(1) "Department" means the department of social and health services;

(2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;

(3) "Parent" means the legal custodian(s) or guardian(s) of a child;

(4) "High-risk youth" means any youth fourteen years of age or under who is absent from home without consent of parent, guardian, or custodian and whose contact with either a law enforcement agency or the probation department was initiated by the youth's parent, guardian, or custodian.

(5) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. ((Pursuant to rules established by the department, the facility)) The administrators of the crisis residential centers, group homes, receiving homes, or other facilities approved by the court shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the

administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves.

**NEW SECTION.** Sec. 5. (1) Any minor age fourteen or less who is taken into custody, pursuant to a request by his parent, guardian, or custodian, may be provided crisis intervention services by the probation department, an agency or association with which the probation department or juvenile court contracts or any other agency or association approved by the court, provided that the staff of the probation department, association, or agency (a) immediately investigates the circumstances of the minor and the facts surrounding the minor being taken into custody and promptly explains these facts and circumstances to the minor, and (b) makes a reasonable effort to inform the minor's parent, guardian, or custodian of the fact that the minor has been taken into limited custody and where the minor is being kept, and (c) if the minor consents, makes a reasonable effort to transport, arrange for the transportation of, or otherwise release the minor to the parent, guardian, or custodian. Upon release of the child who is believed to need or benefit from medical, psychological, psychiatric, or social services, the probation department, association, or agency may inform the minor and the person to whom the minor is released of the nature and location of appropriate services and shall, if requested, assist in establishing contact between the family and other associations or agencies providing such services. If the probation department, agency, or association is unable by all reasonable efforts to contact a parent, guardian, or custodian, if the person contacted lives an unreasonable distance away, if the minor refuses to be taken to his or her home or other appropriate residence, or if the agency or association is otherwise unable despite all reasonable efforts to make arrangements for the safe return of the minor, the minor may be temporarily placed in a facility approved by the court.

(2) The probation department, any agency, or association or employee thereof acting reasonably and in good faith in the care of a minor being provided interim crisis intervention services and shelter care shall be immune from any civil or criminal liability resulting from such care.

**NEW SECTION.** Sec. 6. (1) A minor and his or her parent, guardian, or custodian may agree to an arrangement for alternative voluntary residential placement without court order. The placement may continue as long as there is agreement.

(2) If the minor and his or her parent, guardian, or custodian cannot agree to an arrangement for alternative voluntary residential placement in the first instance, or cannot agree to the continuation of such placement, and the minor refuses to return home, the minor or his or her parent, guardian, or custodian may file with the court a petition alleging that the minor is a high-risk youth.

(3) This section shall not be construed as an alternative residential placement under chapter 13.32A RCW.

Sec. 7. Section 14, chapter 298, Laws of 1981 and RCW 13.32A.250 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by a fine of up to one hundred dollars and ~~((imprisonment for up to seven days, or both))~~ up to thirty days detention: PROVIDED, That in using detention to punish the contempt the court uses increasing days in detention up to thirty days for additional contemptuous behavior.

(3) A child found in contempt under this section shall be ~~((imprisoned))~~ detained only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding held under this section is governed by RCW 7.20.040 through 7.20.080, as now law or hereafter amended.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

**NEW SECTION.** Sec. 8. Any minor taken into custody pursuant to this chapter who requires care away from his or her home but who does not require physical restriction shall be given temporary care in a foster home, receiving home, group home, or other shelter facility designated by the court.

**NEW SECTION.** Sec. 9. When a minor is delivered to the court or to the place designated by the court under section 8 of this act, a probation counselor or other public officer designated by the court shall immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody. The minor shall be immediately released to the custody of his or her parent, guardian, legal custodian, or responsible relative, unless the probation counselor or such other public officer designated by the court finds that further shelter care is necessary.

**NEW SECTION, Sec. 10.** (1) Unless sooner released a minor who is a high-risk youth, and taken into custody, must be brought before a judicial officer within seventy-two hours, exclusive of Saturdays, Sundays, and court-designated holidays, for a shelter care hearing to determine whether he or she should be temporarily placed outside his or her home.

(2) If the probation counselor determines that the minor should be temporarily placed, he or she shall cause a petition to be filed as provided in section 13 of this act, and the clerk of the court shall set the matter for hearing on the shelter care hearing calendar. When a parent, guardian, custodian, or responsible relative is present and so requests, the shelter care hearing shall be held immediately if the court is in session, otherwise at the earliest feasible time. The probation counselor shall notify the minor's parent, guardian, custodian, or responsible relative of the time and place of the hearing. The notice may be given orally.

(3) The minor must be released from custody or placement at the expiration of the seventy-two hour period, if not brought before a judicial officer within that period.

**NEW SECTION, Sec. 11.** At the appearance of the minor before the court at the shelter care hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is a high-risk youth, it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is a high-risk youth, the minor, his or her parent, guardian, custodian, and other persons able to give relevant testimony shall be examined before the court. After such testimony, the court may enter an order that the minor shall be released upon the request of a parent, guardian, or custodian if the guardian, parent, or custodian agrees to take custody. If the court finds that it is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another that the minor be placed in a shelter care facility, or that he or she is likely to flee the jurisdiction of the court, and further finds that reasonable efforts have been made or good cause shown why reasonable efforts cannot prevent or eliminate the necessity of removal of the minor from his or her home, the court may prescribe shelter care and order that the minor be kept in a suitable place designated or licensed by the court or in a foster care home, or other center or home licensed and designated by the department of social and health services for placement of high-risk youth; otherwise, it shall release the minor from custody. The court shall make findings of fact in support of the order for shelter care placement.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in shelter care, the minor shall not be returned to the parent, guardian, or custodian until the court finds that such placement is no longer necessary for the protection of the minor.

(3) If neither the parent, guardian, legal custodian, responsible relative, nor counsel of the minor has had actual notice of or is present at the shelter care hearing, he or she may file his or her affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than twenty-four hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(4) Only when there is reasonable cause to believe that the minor has committed an offense may the minor be kept or detained in a detention facility. This section shall in no way be construed to limit subsection (5) of this section.

(5) No minor alleged or found to be a high-risk youth may be detained in a detention facility or county or municipal jail unless the youth has also committed an offense.

(6) If the minor is not brought before a judicial officer within the time period specified in section 10 of this act, the minor must immediately be released from custody.

(7) If neither the parent, guardian, nor custodian appears within twenty-four hours to take custody of the minor released upon request pursuant to subsection (2) of this section, then the clerk of the court shall set the matter for rehearing not later than seven days after the original order and shall issue a summons directed to the parent, guardian, or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian, or custodian does not appear at the rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place recommended by the probation department.

**NEW SECTION, Sec. 12.** (1) The juvenile probation department shall confer in a preliminary conference with a parent, guardian, or custodian seeking to file a petition under section 13 of this act concerning the advisability of filing the petition, with a view to adjusting suitable cases without the filing of a petition. A petition shall be filed only if alternatives to court intervention have been attempted and if such alternatives have not been attempted, good reason exists why they have not been attempted.

The probation counselor should schedule a conference promptly.

(2) This section does not authorize any probation counselor to compel any person to appear at any conference, produce any papers, or visit any place.

(3) No statement made during a preliminary conference may be admitted into evidence at a fact-finding hearing or at any proceeding against the minor under the criminal laws of this state prior to his or her conviction thereunder.

(4) The probation counselor shall promptly formulate a written, nonjudicial adjustment plan following the initial conference.

(5) Nonjudicial adjustment plans may include but are not limited to one or more of the following:

(a) Up to six months informal supervision within the family;

(b) Up to six months informal supervision with a probation counselor involved;

(c) Up to six months informal supervision with release to a person other than a parent;

(d) Referral to special educational, counseling, or other rehabilitative social or educational programs;

(e) Referral to residential treatment programs; and

(f) Any other appropriate action with consent of the minor and a parent.

(6) In developing an informal adjustment plan, the probation counselor shall assess the family situation, including the nature of the conflict, and refer the minor or his or her parent, custodian, or guardian, or both for proper assistance in dealing with the conflict.

(7) The juvenile court is authorized to contract out with private agencies to provide this assistance.

**NEW SECTION.** Sec. 13. (1) Any parent or guardian may request that the probation counselor file a petition in respect to a minor alleged to be a high-risk youth under this chapter. The petition and all subsequent court documents shall be entitled "In the interest of . . . . . a minor, alleged to be a high-risk youth."

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor is alleged to be a high-risk youth and set forth (a) facts sufficient to bring the minor under RCW 13.32A.030(4); (b) the name, age, and residence of the minor; (c) the names and residences of his or her parents; (d) the name and residence of his or her legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which shelter care was ordered by the court or the date set for a shelter care hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he or she be adjudged a high-risk youth and may pray generally for relief available under this chapter. The petition need not specify any proposed disposition following such adjudication.

(4) If an order of protection under section 21 of this act is sought against any person, the petition shall so state, shall name that person as a respondent, and give the address where he or she resides.

(5) At any time before dismissal of the petition or before final closing and discharge under section 27 of this act, one or more supplemental petitions may be filed in respect to the same minor.

**NEW SECTION.** Sec. 14. (1)(a) When a petition has been filed alleging that the minor is a high-risk youth, a fact-finding hearing shall be held within one hundred twenty days of a demand made by any party, except that when the court determines that the state, without success, has exercised due diligence to obtain evidence material to the case and that there are reasonable grounds to believe that such evidence may be obtained at a later date, the court may, upon motion by the state, continue the fact-finding hearing for not more than thirty additional days.

The one hundred twenty-day period in which a fact-finding hearing shall be held is tolled by: (i) Delay occasioned by the minor; or (ii) a continuance allowed after a court's determination of the minor's physical incapacity for trial; or (iii) an interlocutory appeal. Any such delay shall temporarily suspend, for the time of the delay, the period within which the fact-finding hearing must be held. On the day of expiration of the delay, the said period shall continue at the point at which it was suspended.

(b) When no such fact-finding hearing is held within the time required by (a) of this subsection, the court shall, upon motion by any party, dismiss the petition with prejudice.

(2) Without affecting the applicability of the tolling and multiple prosecution provisions of subsection (1) of this section, when a petition has been filed alleging that the minor is a high-risk youth and the minor is in shelter care, the fact-finding hearing shall be held within ten judicial days after the date of the order directing shelter care, or the earliest possible date in compliance with the notice provisions of this act as to the custodial parent, guardian, or legal custodian, but not later than thirty judicial days from the date of the order of the court directing shelter care.

(3) Any failure to comply with the time limits of subsection (2) of this section shall require the immediate release of the minor from shelter care, and the time limits of subsection (1) of this section shall apply.

(4) Nothing in this section prevents a minor, a minor's parents, or guardian from exercising their respective rights to waive the time limits set forth in this section.

NEW SECTION. Sec. 15. (1) When a petition is filed, the clerk of the court shall issue a summons with a copy of the petition attached. The summons shall be directed to the minor's legal guardian or custodian and to each person named as a respondent in the petition.

(2) The summons must contain a statement that the minor or any of the respondents is entitled to have an attorney present at the hearing on the petition, and that the clerk of the court shall be notified promptly if the minor or any other respondent desires to be represented by an attorney but is financially unable to employ counsel.

(3) The summons shall be issued under the seal of the court, attested to and signed with the name of the clerk of the court, dated on the day it is issued, and shall require each respondent to appear and answer the petition on the date set for the fact-finding hearing.

(4) Service of the summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer or probation counselor, even if the counselor or officer is the petitioner.

(5) If the person to be served with a summons and petition can be found within the state, the summons and petition shall be served personally upon the person at least three court days before the fact-finding hearing, or such time as set by the court. If the person is within the state and cannot be personally served, but the person's address is known or with reasonable diligence can be ascertained, the summons and petition may be served upon the person by mailing a copy thereof by certified mail at least ten days before the hearing, or such time as set by the court. If a person other than the minor is outside the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons and petition may be made either by delivering a copy thereof to the party or by certified mail at least ten days before the fact-finding hearing, or such time as set by the court.

NEW SECTION. Sec. 16. (1) If service upon individuals as provided in section 15 of this act is not made on any respondents within a reasonable time or if any person is made a respondent under the designation of "All to whom it may concern," or if service cannot be made because the whereabouts of a respondent are unknown, service may be made by publication. The clerk of the court as soon as possible shall cause publication to be made once in a newspaper of general circulation in the county where the action is pending. Notice by publication is not required in any case when the person alleged to have legal custody of the minor has been served with summons personally or by certified mail, but the court may not enter any order or judgment against any person who cannot be served with process other than by publication unless notice by publication is given or unless that person appears. When a minor has been sheltered under section 18 of this act and summons has not been served personally or by certified mail within twenty days from the date of the order of the court directing such shelter care, the clerk of the court shall cause publication.

(2) The clerk shall also at the time of the publication of the notice send a copy thereof by mail to each of the respondents on account of whom publication is made at his or her last known address. The certificate of the clerk that he or she has mailed the notice is evidence thereof. No other publication notice is required. Every respondent notified by publication under this section must appear and answer in open court at the hearing. The court may not proceed with the fact-finding hearing until ten days after service by publication on any custodial parent, guardian, or legal custodian in the case of a minor alleged to be a high-risk youth.

(3) If it becomes necessary to change the date set for the hearing in order to comply with section 15 of this act or with this section, notice of the resetting of the date must be given, by certified mail or other reasonable means, to each respondent who has been served with summons personally or by certified mail.

NEW SECTION. Sec. 17. (1) Immediately upon the filing of a petition alleging that the minor is a high-risk youth, the court may appoint a guardian ad litem for the minor if:

(a) The petition alleges that the minor is the victim of sexual abuse or misconduct; or

(b) The petition alleges that charges alleging the commission of any of the sex offenses defined in chapter 9A.44 RCW have been filed against a defendant in any court and that the minor is the alleged victim of the acts of the defendant in the commission of such offense.

(2) Unless the guardian ad litem appointed pursuant to subsection (1) of this section is an attorney at law, he or she shall be represented in the performance of his or her duties by counsel.

(3) Before proceeding with the hearing, the court shall appoint a guardian ad litem for the minor if:

(a) No parent, guardian, custodian, or relative of the minor appears at the first or any subsequent hearing of the case; or

(b) The petition for which the minor is before the court resulted from a report made pursuant to chapter 26.44 RCW.

(4) The court may appoint a guardian ad litem for the minor whenever it finds that there may be a conflict of interest between the minor and his or her parents or other custodian or that it is otherwise in the minor's interest to do so.

(5) The reasonable fees of a guardian ad litem appointed under this section shall be fixed by the court and charged to the parents of the minor, to the extent they are able to pay. If the parents are unable to pay those fees, they shall be paid from the general fund of the county.

**NEW SECTION, Sec. 18.** At the fact-finding hearing, the court shall first consider only the question whether the minor is a high-risk youth. The standard of proof and the rules of evidence in the nature of civil proceedings in this state are applicable to section 19 of this act.

**NEW SECTION, Sec. 19.** (1) The court may enter an order of continuance under supervision (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to findings and adjudication, or after hearing the evidence at the fact-finding hearing but before noting in the minutes of proceedings a finding of whether or not the minor is a high-risk youth; and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, custodian, responsible relative, defense attorney, or the prosecuting attorney.

(2) If the minor, his or her parent, guardian, custodian, responsible relative, defense attorney, or prosecuting attorney objects in open court to any such continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a high-risk youth is continued pursuant to this section, the court may permit the minor to remain in his or her home subject to conditions concerning his or her conduct and supervision as the court may require by order.

(5) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the allegation, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation. However, where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within fifteen days of the filing of the petition unless a delay in such hearing has been occasioned by the minor, in which case the delay shall continue the tolling of the period of continuance under supervision for the period of such delay.

**NEW SECTION, Sec. 20.** (1) After hearing the evidence the court shall make and note in the record a finding of whether or not the person is a high-risk youth. If it finds that the minor is not such a person, the court shall order the petition dismissed and the minor discharged from any restriction previously ordered in such proceeding.

(2) If the court finds that the person is a high-risk youth, the court shall note in its findings that he or she does require intervention. The court shall then set a time for a dispositional hearing to be conducted under section 21 of this act, at which hearing the court shall determine what disposition is in the best interests of the minor. To assist the court in making this and other determinations at the dispositional hearing, the court may order that an investigation be conducted and a predispositional report be prepared concerning the minor's physical and mental history and condition, family situation and background, economic status, education, occupation, history of delinquency or criminality, personal habits, and any other information that may be helpful to the court. Such investigation or predispositional report shall be conducted or prepared by the juvenile probation department.

**NEW SECTION, Sec. 21.** (1) At the dispositional hearing, the court shall determine the proper disposition best serving the interests of the minor and the public. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the fact-finding hearing.

(2) Notice in compliance with sections 15 and 16 of this act must be given to all parties-respondent prior to proceeding to a dispositional hearing. Before making an order of disposition the court shall advise the prosecuting attorney, the parents, guardian, custodian, or responsible relative or their counsel of the factual contents and the conclusions of the reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. The court may order, however, that the documents containing the reports need not be submitted for inspection, or that sources of confidential information need not be disclosed except to the attorneys for the parties. Factual contents, conclusions, documents, and sources disclosed by the court under this subsection shall not be further disclosed without the express approval of the court pursuant to an in camera hearing.

(3) A record of a prior continuance under supervision under section 19 of this act, whether successfully completed or not, is admissible at the dispositional hearing.

(4) On its own motion or that of the prosecuting attorney, a parent, guardian, custodian, responsible relative, or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence. In scheduling investigations and hearings, the court shall give priority to proceedings in which a minor has been removed from his or her home before an order of disposition has been made.

**NEW SECTION, Sec. 22.** The following kinds of orders of disposition may be made in respect to wards of the court:

(1) A minor found to be a high-risk youth under section 4 of this act may be:

(a) Placed under supervision and released to his or her parents, guardian, or legal custodian; or

(b) Placed in accordance with section 26 of this act with or without also being placed under supervision. Conditions of supervision shall be set by the court and may include but are not limited to the following:

- (i) Regular school attendance;
- (ii) Counseling, which may include parents;
- (iii) Community service;
- (iv) Reporting to a probation counselor on a regular basis;
- (v) Participation in a treatment program for substance abuse problems;
- (vi) Any other condition the court deems an appropriate condition of supervision.

(2) Any order of disposition may provide for protective supervision under section 23 of this act and may include an order of protection under section 24 of this act.

(3) Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under section 27 of this act.

(4) Any order for disposition where the minor is placed in accordance with section 26 of this act shall provide for the parents or guardian of the estate of such minor to pay such sums as are determined by the court as reasonable for the minor's needs and to defray the costs of placement.

(5) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the probation counselor shall regularly report to the court if the minor is regularly truant.

(6) Any order for disposition where the minor is ordered to obtain counseling, therapy, or treatment shall provide for the parents or guardian to pay such sums as the court determines are reasonable to defray the costs of such counseling, therapy, or treatment.

**NEW SECTION. Sec. 23.** If the order of disposition releases the minor to the custody of his or her parents, guardian, or legal custodian, or continues the minor in such custody, the court may place the person having custody of the minor, except for representatives of private or public agencies or governmental departments, under supervision of the probation office. Rules or orders of court shall define the terms and conditions of protective supervision, which may be modified or terminated when the court finds that the best interests of the minor and the public will be served thereby.

**NEW SECTION. Sec. 24.** (1) The court may make an order of protection in assistance of or as a condition of any other order authorized by this chapter. The order of protection may set forth reasonable conditions of behavior to be observed for a specified period by any person who is before the court on the original or supplemental petition. An order may require any such person:

- (a) To stay away from the home or the minor;
- (b) To permit a parent to visit the minor at stated periods;
- (c) To abstain from offensive conduct against the minor, the minor's parent or any person to whom custody of the minor is awarded;
- (d) To give proper attention to the care of the home;
- (e) To cooperate in good faith with an agency to which custody of a minor is entrusted by the court or with an agency or association to which the minor is referred by the court;
- (f) To refrain from acts of commission or omission that tend to make the home not a proper place for the minor.

(2) After notice and opportunity for hearing afforded to a person subject to an order of protection, the order may be modified or extended for a further specified period or both or may be terminated if the court finds that the best interests of the minor and the public will be served thereby.

**NEW SECTION. Sec. 25.** (1) Orders of protective supervision and orders of protection may be enforced by citation to show cause for contempt of court by reason of any violation and, where protection of the welfare of the minor requires, by the issuance of a warrant to take the alleged violator into custody and bring the violator before the court.

(2) In any case where an order of protection has been entered, the clerk of the court may issue to the petitioner, to the minor, or to any other person affected by the order a certificate stating that an order of protection has been made by the court concerning such persons and setting forth its terms and requirements. The presentation of the certificate to any law enforcement officer authorizes the law enforcement officer to take into custody a person charged with violating the terms of the order of protection, to bring such person before the court and, within the limits of the law enforcement officer's legal authority as such law enforcement officer, otherwise to aid in securing the protection the order is intended to afford.

**NEW SECTION. Sec. 26.** (1) If the court finds that the parents, guardian, or legal custodian of a minor adjudged a high-risk youth are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train, or discipline the minor or are unwilling to do so, and that appropriate services aimed at family preservation and family reunification

have been unsuccessful in rectifying the conditions which have led to such a finding of unfitness or inability to care for, protect, train, or discipline the minor, and that it is in the best interest of the minor to take the minor from the custody of the minor's parents, guardian, or custodian, the court may:

(a) Place him or her in the custody of a suitable relative or other person;  
 (b) Place him or her in a foster home, group home, or other placement facility approved by the court;

(c) Place him or her in a treatment facility.

(2) When making such placement, the court, wherever possible, shall select a person holding the same religious belief as that of the minor or a private agency controlled by persons of like religious faith of the minor. In addition, whenever alternative plans for placement are available, the court shall ascertain and consider, to the extent appropriate in the particular case, the views and preferences of the minor.

(3) Whenever any minor is placed in a facility which falls under the definition of staff-secure facility pursuant to RCW 13.32A.030, a review hearing shall be held every ninety days to allow the court to assess the minor's progress in the facility.

(4) No placement by any probation counselor may be made in any out-of-state child care facility unless it complies with the interstate compact on the placement of children.

(5) The clerk of the court shall issue to such legal custodian or guardian of the person a certified copy of the order of the court, as proof of authority. No other process is necessary as authority for the keeping of the minor.

NEW SECTION. Sec. 27. (1) All proceedings under this chapter in respect to any minor automatically terminate upon the minor attaining the age of eighteen years.

(2) Whenever the court finds that the best interests of the minor and the public no longer require court intervention, the court shall order the matter terminated and all proceedings under this chapter respecting that minor finally closed and discharged.

NEW SECTION. Sec. 28. Law enforcement agencies who come into contact with a youth believed to be a high-risk youth shall follow the requirements of RCW 13.32A.050, 13.32A.060, 13.32A.065, and 13.32A.070. In those instances under chapter 13.32A RCW in which the law enforcement agency is required to notify the department of social and health services, when the youth falls under the definition of high-risk youth, the law enforcement agency shall notify the probation department. In any event, the law enforcement agency shall notify the probation department of every contact it has with a high-risk youth.

NEW SECTION. Sec. 29. This act shall take effect September 1, 1989.

NEW SECTION. Sec. 30. Sections 5, 6, and 8 through 28 of this act are each added to chapter 13.32A RCW.

NEW SECTION. Sec. 31. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 32. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, I'm trying to understand how this amendment works exactly, because you've represented to the Senate that this is only a pilot project, but as I read the sections of the bill that follow after Section 4, I believe those apply generally in the Juvenile Code and would apply to every county in the state of Washington. Tell me how that only applies as a pilot project in Pierce County."

Senator Craswell: "Section 4, Senator Talmadge, defines high risk youth. The high risk youth title only will be used when the parents have petitioned the court in Pierce County and declared, after looking at the record, that the child is a high risk youth."

Senator Talmadge: "Senator, the concern I have is if this were indeed a pilot project that pertained solely and exclusively to Pierce County, that would be one thing, but the way this amendment is drawn, at least in my view, the funding portion relates to Pierce County. The pilot project will be located in Pierce County, but the legal authority for law enforcement officers to do whatever they're going to do, that exists from Section 4 throughout the remainder of the bill, applies to every other county in the state of Washington."

Senator Craswell: "Thank you, Senator Talmadge, I don't read it that way, but I'll be happy to sit down with you a little later and look at it. The House has scheduled action on it on Wednesday and we'll correct it over there, if we've got a problem."

Further debate ensued.



The President declared the question before the Senate to be the adoption of the striking amendment by Senators Craswell, Bailey, Johnson, Smitherman, Wojahn, Gaspard, von Reichbauer, Rasmussen, Warnke and Stratton to Second Substitute Senate Bill No. 5624.

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

#### MOTION

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 13.04.240, 13.04.300, 13.32A.030, and 13.32A.250; adding new sections to chapter 13.32A RCW; creating new sections; and providing an effective date."

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5624 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5624.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Conner, Hansen, Kreidler, Moore, Niemi, Patterson, Rinehart, Talmadge, Vognild, Williams - 10.

Excused: Senator DeJarnatt - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5624, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MESSAGE FROM THE HOUSE

March 31, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1138,

SUBSTITUTE HOUSE BILL NO. 1324,

HOUSE BILL NO. 1912, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8649

by Senators McMullen, Gaspard and Wojahn

WHEREAS, Coach Glenn Rickert of Burlington-Edison High School announced his resignation as football coach after thirty-three years of distinguished service; and

WHEREAS, Coach Rickert is the state of Washington's all-time winningest football coach with 272 victories in thirty-six years of coaching, including three at Mead High School in Spokane; and

WHEREAS, In his thirty-three campaigns at the helm of the Burlington-Edison Tigers, Coach Rickert won or shared fourteen Northwest AA League championships, three state titles and had thirty-two winning seasons; and

WHEREAS, Coach Rickert is a man who engenders great loyalty, respect, and commitment as witnessed by his longtime assistant coaches: Jerry Garcea, twenty-five years; Don Leach, thirty years; and Jack McTaggart, eighteen years; and

WHEREAS, Mr. Rickert was a builder of men and character and contributed greatly to the makeup of his high school and his community; and

WHEREAS, The Skagit Valley Herald editorialized, "Rickert leaves behind a legacy of winning, and just as important, a legacy of class. Literally hundreds of young men went through Rickert's program, and each no doubt came out a better person";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate praises and commends the accomplishments and the career of Coach Glenn Rickert and wishes the coach and his lovely wife, Gloria, all the best for a long and well-deserved retirement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Rickert family, and to Burlington-Edison High School, the home of the Tigers.

Senator Wojahn spoke to Senate Resolution 1989-8649.

#### MOTION

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

#### SENATE RESOLUTION 1989-8658

by Senators Sutherland and Conner

WHEREAS, In this our one hundredth year of statehood, citizens in every Washington community, from La Push to Spokane, are proudly celebrating their first centennial; and

WHEREAS, The Columbia River has served as the lifeblood of the state of Washington, from the years when Lewis and Clark first pioneered its wild stretches to the days when man harnessed its power to fuel the state's journey to the future; and

WHEREAS, Hundreds of Washington runners are preparing for their own journey that will take them along five hundred miles of this great historic waterway from Clarkston to Cape Disappointment; and

WHEREAS, This eight-day Lewis and Clark Trail Run from the Snake River to the Pacific on April 2-9, 1989, will honor the history, beauty, and the achievements of the people of the great state of Washington; and

WHEREAS, Many of the participants in this challenge are from the beautiful Seventeenth District, which winds along the Columbia River and whose citizens enjoy the fishing, swimming, and boating opportunities it offers; and

WHEREAS, During this centennial year, it is fitting and proper to recognize those who honor our state in this strenuous endeavor;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the event's presenters, Olympia Rain Runners, the Washington Lewis and Clark Trail Committee, and the Washington State Parks and Recreation Commission, as well as the many private organizations that sponsored and contributed to this great tribute to our state in its centennial year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Lewis and Clark Trail Committee, the Olympia Rain Runners and the Washington State Parks and Recreation Commission.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1138,  
SUBSTITUTE HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1912.

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

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Nelson moved to reconsider the vote by which Substitute Senate Bill No. 5691 failed to pass the Senate March 29, 1989. Debate ensued.

#### POINT OF INQUIRY

Senator Vognild asked Senator Nelson to yield to a question, but Senator Nelson would not yield.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which Substitute Senate Bill No. 5691 failed to pass the Senate.

The motion by Senator Nelson carried on a rising vote and the Senate will reconsider the vote by which Substitute Senate Bill No. 5691 failed to pass the Senate.

#### MOTION

On motion of Senator Nelson, further consideration of Substitute Senate Bill No. 5691, on reconsideration, was deferred.

#### MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of House Bill No. 1417.

On motion of Senator Newhouse, House Bill No. 1417 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Senate Bill No. 5975 which was on the second reading calendar was referred to the Committee on Rules.

#### MOTIONS

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Substitute House Bill No. 1963.

On motion of Senator Newhouse, Substitute House Bill No. 1963 was referred to the Committee on Ways and Means.

#### MOTION

Senator Vognild moved that the rules be suspended and the Committee on Children and Family Services be relieved of further consideration of Initiative No. 102 and that Initiative No. 102 be advanced to second reading and placed on the second reading calendar.

#### MOTION

Senator Newhouse moved that the Senate recess until 6:00 p.m.

#### PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President, a point of parliamentary inquiry. When we come back from the recess, will the motion as I posed it, be before this body?"

#### REPLY BY THE PRESIDENT

President Pritchard: "I believe it will. Yes, it will be before this body."

#### SIGNED BY THE PRESIDENT

The President signed:

INITIATIVE TO THE LEGISLATURE NO. 99.

#### MOTION

At 11:56 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:14 p.m. by Senator Nelson.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 30, 1989

SB 5960 Prime Sponsor, Senator Nelson: Defining and providing indigent defense services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill 5960 be substituted therefor, and the second substitute do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Gaspard, Hayner, Lee, Newhouse, Niemi, Owen, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1989

SCR 8409 Prime Sponsor, Senator Fleming: Regarding the joint committee on long-term care. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8409 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1028 Prime Sponsor, Committee on Fisheries and Wildlife: Changing requirements for fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 1033 Prime Sponsor, Representative H. Sommers: Amending committee voucher authority. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Pullen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1051 Prime Sponsor, Committee on Human Services: Regarding developmentally disabled adults. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

March 31, 1989

SHB 1067 Prime Sponsor, Committee on Health Care: Making technical changes

in the state Health Insurance Coverage Access Act. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1068 Prime Sponsor, Committee on Financial Institutions and Insurance: Regulating automobile rental liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Matson, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1080 Prime Sponsor, Representative Kremen: Broadening vessel registration exemptions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Nelson, Vice Chairman; Bender, Benitz, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1104 Prime Sponsor, Committee on Environmental Affairs: Revising provisions for motor vehicle inspection and maintenance. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

March 30, 1989

EHB 1109 Prime Sponsor, Representative O'Brien: Dealing with voter registration for high school students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1133 Prime Sponsor, Committee on Trade and Economic Development: Regarding employer involvement in child care. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 1157 Prime Sponsor, Representative Holland: Exempting vocational-technical institutes from competitive bidding in the case of sole source suppliers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1158 Prime Sponsor, Representative Holland: Repealing the expiration of the Washington school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Metcalf, Murray.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1165 Prime Sponsor, Committee on Trade and Economic Development: Establishing a temporary commission of public ports. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

2SHB 1180 Prime Sponsor, Committee on Financial Institutions and Insurance: Insuring liability for leaks from underground oil storage tanks. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Referred to Committee on Ways and Means.

March 30, 1989

SHB 1183 Prime Sponsor, Committee on Human Services: Requiring that certain information be provided to adopting parents. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Vogt.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1190 Prime Sponsor, Committee on Natural Resources and Parks: Enacting the ocean natural resources management act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Amondson, Vice Chairman; Bauer, Benitz, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

March 31, 1989

EHB 1196 Prime Sponsor, Representative Dellwo: Regulating cancellation of contracts between insurers and agents. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; McMullen, Matson, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1217 Prime Sponsor, Committee on Local Government: Revising provisions for water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1239 Prime Sponsor, Representative P. King: Exempting qualified pension plans from the state usury statute. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Fleming, McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1251 Prime Sponsor, Committee on Local Government: Changing provisions relating to municipal annexations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 1283 Prime Sponsor, Representative Zellinsky: Regulating check cashers and sellers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Matson, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1291 Prime Sponsor, Committee on Natural Resources and Parks: Designating additional components of the scenic river system. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Barr, Bauer, Kreidler, Owen, Sutherland.

MINORITY recommendation: Do not pass as amended. Signed by Senator Amondson, Vice Chairman.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 1298 Prime Sponsor, Representative R. King: Enforcing the payment of prevailing wages. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1305 Prime Sponsor, Committee on Revenue: Correcting the public utility tax in response to a 1986 Thurston county superior court decision. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland, Williams.

Referred to Committee on Ways and Means.

March 29, 1989

ESHB 1322 Prime Sponsor, Committee on Appropriations: Authorizing cost-of-living adjustments for members of retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1385 Prime Sponsor, Representative Dellwo: Amending merger or change in insurance entity status. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Smitherman.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1392 Prime Sponsor, Committee on Natural Resources and Parks: Enacting the wetland management act of 1989. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 1395 Prime Sponsor, Representative R. Fisher: Exempting certain financial and commercial information from public disclosure. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Matson, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1397 Prime Sponsor, Committee on Agriculture and Rural Development:



Regarding water use efficiency and conservation. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1406 Prime Sponsor, Representative Cole: Establishing the school and educational service district pay equity and job analysis assessment project. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 29, 1989

SHB 1408 Prime Sponsor, Committee on Appropriations: Requiring that hours worked in all eligible positions be combined to determine service credit for the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1412 Prime Sponsor, Representative Kremen: Authorizing remembrance tabs for veterans' license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 1423 Prime Sponsor, Representative Day: Authorizing the creation of local seed capital pools. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1444 Prime Sponsor, Committee on Education/Appropriations: Revising programs for students at risk. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 29, 1989

ESHB 1450 Prime Sponsor, Committee on Transportation: Regulating motor fuel quality. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Hansen, McMullen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1475 Prime Sponsor, Committee on Judiciary: Establishing the measure of damages for a motor vehicle. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Matson, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1485 Prime Sponsor, Representative Jacobsen: Modifying the interest rates that non-profit corporations may charge on postsecondary education loans. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 1520 Prime Sponsor, Representative Walk: Changing provisions relating to salary surveys for ferry system employees. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 29, 1989

HB 1524 Prime Sponsor, Representative Nelson: Changing provisions relating to Washington state correctional industries. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1542 Prime Sponsor, Committee on Health Care: Creating a system making offenders accountable for legal financial obligations. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi.

Referred to Committee on Ways and Means.

March 31, 1989

EHB 1552 Prime Sponsor, Representative Todd: Establishing the office of mobile home affairs and tenant lot fees. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1554 Prime Sponsor, Committee on Appropriations: Providing a program to promote organic farming and low-input agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

March 29, 1989

EHB 1573 Prime Sponsor, Representative Ebersole: Regarding identification of levy reduction funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1577 Prime Sponsor, Committee on State Government: Establishing liability for state trust funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1578 Prime Sponsor, Representative R. Fisher: Allowing write-offs of uncollectible accounts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1579 Prime Sponsor, Representative R. Fisher: Allowing state agencies to charge interest on debts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1580 Prime Sponsor, Representative R. Fisher: Authorizing state agencies to

report past due accounts receivable to credit reporting agencies.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner, Sutherland.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1581 Prime Sponsor, Committee on Commerce and Labor: Providing for family and medical leave. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

March 30, 1989

SHB 1582 Prime Sponsor, Committee on Appropriations: Establishing a before and after school child care pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1584 Prime Sponsor, Committee on Human Services: Dealing with child care facilities. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Referred to Committee on Ways and Means.

March 30, 1989

EHB 1587 Prime Sponsor, Representative Nutley: Encouraging the dispersion of child care facilities throughout Washington. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1596 Prime Sponsor, Representative R. Meyers: Funding motorcycle safety education. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1618 Prime Sponsor, Representative Locke: Making major revisions concerning public housing authorities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1619 Prime Sponsor, Committee on Human Services: Revising treatment of alcoholism and other drug addiction. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1624 Prime Sponsor, Committee on Natural Resources and Parks: Regulating the sale of valuable materials from state-owned tidelands and shorelands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1630 Prime Sponsor, Committee on Housing: Clarifying the property status of manufactured homes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 29, 1989

EHB 1645 Prime Sponsor, Representative Walk: Regulating the relationship between motor vehicle dealers and manufacturers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Hansen, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1656 Prime Sponsor, Representative Crane: Changing land development regulations. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 1663 Prime Sponsor, Committee on Housing: Enacting the farmworker housing act. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Ways and Means.

March 29, 1989

EHB 1664 Prime Sponsor, Representative Berozoff: Restricting the use of tinted glass on motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Hansen, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1668 Prime Sponsor, Committee on Human Services: Providing for public assistance. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1671 Prime Sponsor, Committee on Environmental Affairs: Providing major solid waste reform. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Niemi, Owen, Smith, Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 1718 Prime Sponsor, Representative Hine: Changing provisions relating to disability retirement for Washington state patrol. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 1719 Prime Sponsor, Representative Hine: Providing for disposition of excess retirement benefits upon death of the recipient. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1989

HEB 1724 Prime Sponsor, Representative Prentice: Establishing criteria for state highway designation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1729 Prime Sponsor, Representative Dellwo: Cleaning up provisions of Title 30 RCW. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1730 Prime Sponsor, Representative Dellwo: Regulating financial institutions. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Matson, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1756 Prime Sponsor, Committee on Energy and Utilities: Providing for extended area service by telecommunications companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1759 Prime Sponsor, Committee on Appropriations: Creating the educational staff diversification act. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

March 30, 1989

HB 1776 Prime Sponsor, Representative Hine: Creating a volunteer firefighters' pension administrative fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1794 Prime Sponsor, Representative H. Sommers: Modifying the state's ability to enter into contracts for the purchase of real or personal property. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bluechel, Cantu, Gaspard, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Talmadge.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1797 Prime Sponsor, Committee on Housing: Applying the mobile home landlord-tenant act to individual lots. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1814 Prime Sponsor, Committee on Appropriations: Creating the cultural diversity in-service training program for teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Anderson, Benitz, Craswell.

Referred to Committee on Ways and Means.

March 30, 1989

EHB 1841 Prime Sponsor, Representative Peery: Establishing criteria for composing the instructional materials committee. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1862 Prime Sponsor, Representative McLean: Providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

March 30, 1989

EHB 1865 Prime Sponsor, Representative Brough: Limiting class size in grades kindergarten through three. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.



Referred to Committee on Ways and Means.

March 30, 1989

HB 1872 Prime Sponsor, Representative Heavey: Allowing counties, cities and towns to regulate hitchhiking in some situations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Benitz, Madsen, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1891 Prime Sponsor, Committee on Natural Resources and Parks: Establishing procedures for private moorage facilities which parallel port districts. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Sutherland.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 1917 Prime Sponsor, Representative O'Brien: Establishing a certified real estate appraiser law. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Sellar, Smitherman, West.

Referred to Committee on Ways and Means.

March 30, 1989

SHB 1956 Prime Sponsor, Committee on Human Services: Revising and adding provisions on adoption. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 1958 Prime Sponsor, Committee on State Government: Specifying chiropractic board membership requirements and clarifying the duties of board members. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Kreidler, Niemi.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 1968 Prime Sponsor, Committee on Health Care: Establishing a plan for long-term care services. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

March 30, 1989

EHB 1984 Prime Sponsor, Representative Hargrove: Requiring the department of natural resources to prepare a timber supply report. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Benitz, Kreidler, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

March 30, 1989

HB 1993 Prime Sponsor, Representative Rasmussen: Specifying labeling requirements for uncooked poultry. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 2000 Prime Sponsor, Committee on Agriculture and Rural Development: Establishing fair practice standards for produce handlers and associations. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 2011 Prime Sponsor, Committee on Fisheries and Wildlife: Changing provisions regulating commercial fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

SHB 2014 Prime Sponsor, Committee on Appropriations: Revising provisions for special education programs for handicapped children. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

March 31, 1989

SHB 2024 Prime Sponsor, Committee on Trade and Economic Development: Mandating regulatory fairness. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 2051 Prime Sponsor, Representative Locke: Minimizing the involuntary displacement of tenants in federally assisted housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 2066 Prime Sponsor, Committee on Education: Creating an interim task force to evaluate school student transportation safety. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 2071 Prime Sponsor, Committee on Commerce and Labor: Licensing commercial divers and dive tenders and providing health and safety standards for commercial activities on navigable waters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Bauer, Kreidler, Owen, Sutherland.

Referred to Committee on Ways and Means.

March 30, 1989

EHB 2075 Prime Sponsor, Representative Cantwell: Permitting local governments to have a twenty-four hour headlight policy. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Benitz, McMullen, Madsen, Murray, Thorsness.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 2076 Prime Sponsor, Committee on Revenue: Collecting a tire disposal fee per vehicle per year at the time of vehicle registration. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Bauer, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 2110 Prime Sponsor, Representative Appelwick: Reducing elected officials' contributions to the teachers' retirement system to six percent. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bluechel, Cantu, Gaspard, Johnson, Lee, Newhouse, Niemi, Owen, Smith, Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 2118 Prime Sponsor, Representative Dorn: Expanding coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

March 31, 1989

EHB 2131 Prime Sponsor, Representative Nutley: Making additional requirements for mobile home electrical inspections. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 2136 Prime Sponsor, Committee on Housing: Providing mobile home relocation assistance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 2137 Prime Sponsor, Committee on Trade and Economic Development: Establishing targeted sectors for economic development. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 30, 1989

ESHB 2140 Prime Sponsor, Committee on Trade and Economic Development: Establishing the Washington state growth strategies commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Conner.

Referred to Committee on Ways and Means.

March 31, 1989

HB 2167 Prime Sponsor, Representative Leonard: Regarding mobile home parks. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

ESHB 2198 Prime Sponsor, Representative Nelson: Pertaining to energy efficiency and conservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Nelson, Owen, Sutherland, Williams.

MINORITY recommendation: Do not pass. Signed by Senators Metcalf, Pullen, Stratton.

Passed to Committee on Rules for second reading.

March 30, 1989

HJM 4001 Prime Sponsor, Representative Schmidt: Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

March 30, 1989

EHJM 4019 Prime Sponsor, Representative Nelson: Requesting equal income tax treatment of employer-provided transit passes and vehicle parking. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, McMullen, Madsen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

#### MOTIONS

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

On motion of Senator Newhouse, the Committee on Financial Institutions and Insurance was relieved of further consideration of House Bill No. 1505.

On motion of Senator Newhouse, House Bill No. 1505 was referred to the Committee on Rules.

#### MOTION

At 6:19 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, April 3, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## EIGHTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 3, 1989

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, DeJarnatt, Fleming, McMullen, Rinehart, Sutherland and Thorsness. On motion of Senator Bender, Senators DeJarnatt, Fleming and Rinehart were excused. On motion of Senator Anderson, Senators Amondson and Thorsness were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Filkins and Allen Stratton, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
Ninth and Columbia Building, Olympia, Washington

March 31, 1989

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

Dear Mr. Golob:

I am pleased to submit this final report assessing the positive and negative economic impacts of state correctional institutions on communities in which they are located, as required by Section 217, Chapter 7, laws of 1987.

This report was developed in cooperation with an advisory committee, that provided direction to the study and reviewed the analysis. The advisory group included Harmon Johnson, Walla Walla County Commissioner; Bill Stoner, Pierce County Council member; Mike Gibson, Mason County Commissioner; Margaret Schacht, Walla Walla County Courts and Human Services; Representative Art Sprenkle; Senator Jeannette Hayner; Sam McCullum, State Traffic Safety Commission; John King and Joseph Lehman of the State Department of Corrections. The study upon which this report is based was conducted by the Institute of Public Policy at The Evergreen State College. Copies of the data collected and the analysis for each of the major correctional facilities are available upon request.

The study concluded that Washington's prisons contribute to local economies. It appears that in most communities, the impact on local social, juvenile justice, or criminal justice services is not great. Walla Walla County is the only exception to this, because of the large number of inmate-related families that relocate to that area.

Although the study did not identify specific, quantifiable costs associated with the proximity of correctional facilities, the advisory committee did make recommendations to the Legislature, and I am submitting them with this letter.

If you have any questions or want additional information, please call me at (206) 753-5625.

Sincerely,  
CHUCK CLARKE, Director

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

## MESSAGE FROM THE HOUSE

March 31, 1989

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5014,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5088,  
SUBSTITUTE SENATE BILL NO. 5193,  
SENATE BILL NO. 5277,  
SENATE BILL NO. 5983, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1479 by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan) (by request of Governor Gardner)

Making appropriations for the 1987-89 biennium.

Referred to Committee on Ways and Means.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9056, Dr. Cynthia K. Rekdal, as a member of the Board of Trustees for Seattle Community College District No. 6, was confirmed.

## APPOINTMENT OF DR. CYNTHIA K. REKDAL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators McMullen, Sutherland - 2.

Excused: Senators Amondson, DeJarnatt, Fleming, Rinehart, Thorsness - 5.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1056, by Committee on Fisheries and Wildlife (originally sponsored by Representatives Sayan, R. King, Smith, Vekich and Belcher) (by request of Department of Fisheries)

Regulating herring spawn on kelp.

The bill was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 1, line 14, after "industry," insert "The maximum number of herring spawn on kelp permits shall not exceed five annually."

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1056, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bender, Senators McMullen and Sutherland were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1056, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill 1056, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senator Vognild - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, McMullen, Rinehart, Sutherland, Thorsness - 7.

SUBSTITUTE HOUSE BILL NO. 1056, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1103, by Representatives Vekich, Cole, Patrick, O'Brien, Wang, Winsley, P. King, Beck and May (by request of Attorney General)

Revising provisions for motor vehicle warranties.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 4, line 25, after "including" strike "a" and insert "any"

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 5, line 4, after "use," strike all material through "lienholder," on line 9 and insert "The manufacturer shall ((be made)) make such payment to the ((consumer and)) lessor and/or lienholder of record((- if any, as his or her interests may appear)) as necessary to obtain clear title to the motor vehicle and upon the lessor's and/or lienholder's receipt of that payment and payment by the consumer of any late payment charges, the consumer shall be relieved of any future obligation to the lessor and/or lienholder."

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1103, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1103, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1103, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Fleming, Rinehart, Sutherland, Thorsness - 6.

ENGROSSED HOUSE BILL NO. 1103, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, Senate Bill No. 5347, which was on the second reading calendar, was referred to the Committee on Rules.



## SECOND READING

SENATE BILL NO. 5729, by Senators McDonald, Warnke, Anderson and Hayner (by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

## MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 5729 was substituted for Senate Bill No. 5729 and the substitute bill was placed on second reading and read the second time.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5729 was deferred.

## SECOND READING

SENATE BILL NO. 5109, by Senators Pullen, Talmadge, Nelson, Niemi, Thorsness and Rinehart

Creating an additional court of appeals position.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5109 was substituted for Senate Bill No. 5109 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5109 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5109.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5109 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Hansen - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Rinehart, Sutherland, Thorsness - 6.

SUBSTITUTE SENATE BILL NO. 5109, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Amondson, Owen, Anderson, Conner, Metcalf, Sutherland, Saling, Patterson, and Benitz

Providing assistance to the Washington Logging Show.

The resolution was read the second time.

## MOTION

On motion of Senator Anderson, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1168, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Crane, Tate and P. King)

Revising the uniform estate tax apportionment act.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1168.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1168 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Barr - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Sutherland - 4.

SUBSTITUTE HOUSE BILL NO. 1168, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Barr was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1169, by Committee on Judiciary (originally sponsored by Representatives Padden, Crane, Tate and P. King).

Regulating disclaimers of interest by beneficiaries.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1169.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1169 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, DeJarnatt, Fleming, Sutherland - 5.

SUBSTITUTE HOUSE BILL NO. 1169, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Matson was excused.

#### SECOND READING

HOUSE BILL NO. 1170, by Representatives Padden, Crane, Tate and P. King

Changing provisions relating to the exercise of the power of appointment.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1170.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1170 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Barr, DeJarnatt, Fleming, Matson, Sutherland - 6.

HOUSE BILL NO. 1170, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Crane, Tate, P. King, Insole and Sprengle)

Revising nonclaim statutes.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 4, beginning on line 26, strike all of section 5 and insert the following:

NEW SECTION, Sec. 5. A new section is added to chapter 11.40 RCW, to be codified as RCW 11.40.014, to read as follows:

Whether or not notice under RCW 11.40.010 has been given or should have been given, any person having a claim against the decedent who has not filed a claim within eighteen months from the date of the decedent's death shall be forever barred from making a claim against the decedent, or commencing an action against the decedent, if such claim or action is not already barred by any otherwise applicable statute of limitation. However, this eighteen-month limitation does not apply (1) to claims described in RCW 11.40.011, (2) to any claims where the personal representative has not given the actual notice described in section 1(1) of this act and during the eighteen-month period following the date of death, partial performance has been made on the obligation underlying the claim, or (3) to any claims where no personal representative has been appointed within twelve months after the date of death. Any otherwise applicable statute of limitations shall apply without regard to the tolling provisions of RCW 4.16.190. Any claim filed within eighteen months from the date of the decedent's death and not otherwise barred under this chapter shall be made in the form and manner provided under RCW 11.40.010, as if the notice under such section had been given."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute House Bill No. 1173, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1173, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1173, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1350, by Representatives Inslee, Patrick, Appelwick and Winsley

Revising marital deduction gifts and survivorship requirements.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1350 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1350.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1350 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

HOUSE BILL NO. 1350, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1354, by Representatives Fraser, McLean, R. Fisher, Crane, Winsley, Dorn, Sayan, Belcher, Chandler, Brough, Rector, Haugen, R. King, K. Wilson, Hankins, H. Myers, Miller, Rasmussen, Ebersole, Tate and Sprengle (by request of Governor Gardner)

Continuing the interagency committee for outdoor recreation.

The bill was read the second time.

#### MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 3, beginning on line 11, strike all of section 3 through line 33, renumber the remaining sections consecutively, and correct internal references accordingly.

On motion of Senator Metcalf, the following title amendment was adopted:

On line 2 of the title, after "43.99.020," strike "43.99.130."

#### MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1354, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1354, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1354, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson,

Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators McCaslin, Vognild - 2.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

HOUSE BILL NO. 1354, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8661

by Senators Bailey, Bluechel, Anderson, Murray, Gaspard, Smitherman, McDonald, Cantu and Rinehart

WHEREAS, The state of Washington applauds those teachers who promote and encourage an interest in science by providing quality science experiences for their students; and

WHEREAS, Aki Kurose and Ralph St. Andre have been named to the 1989 National Honor Roll of Science Teachers by the Association of Science-Technology Centers and the Pacific Science Center for their innovative science teaching and exemplary use of science center resources; and

WHEREAS, Aki Kurose is a first grade teacher at Laurelhurst Elementary School in Seattle, who has initiated an after school science club which now has over forty students as members and who involves students from throughout the school in Pacific Science Center science enrichment programs; and

WHEREAS, Ralph St. Andre is a fifth grade teacher at Geneva Elementary School in Bellingham, who has developed and delivers science programs to schools throughout the Bellingham School District and who organizes the participation by Bellingham schools in Pacific Science Center education outreach programs; and

WHEREAS, Aki Kurose and Ralph St. Andre, along with forty other persons being named to the 1989 National Honor Roll, will be honored in Washington, D.C., this month by the United States House of Representatives' Science, Space, and Technology Committee; and

WHEREAS, Twelve thousand science teachers from around the world will convene in Seattle for the National Science Teachers Association annual meeting, April 6-9, 1989; and

WHEREAS, The National Science Foundation has declared April 23-29, 1989, as National Science and Technology Week to convey the importance of science to the nation; and

WHEREAS, Governor Booth Gardner has proclaimed April 1989, as Science Month in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends Aki Kurose and Ralph St. Andre for their outstanding efforts as science teachers to utilize science center resources to enhance the science education of their students and serve as models for other teachers; and

BE IT FURTHER RESOLVED, That the Senate commends the Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate urges all citizens to join in the observance of Science Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Aki Kurose, Ralph St. Andre, and the Directors of the Association of Science-Technology Centers and the Pacific Science Center.

Senators Bluechel, Anderson and Rinehart spoke to Senate Resolution 1989-8661.

## INTRODUCTION OF SPECIAL GUESTS

President Pritchard introduced the award winning science teachers, Aki Kurose and Ralph St. Andre, who were seated in the gallery.

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 1881, by Representatives Rryburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

The bill was read the second time.

## MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35, page 689, Laws of 1889-90 as last amended by section 3, chapter 168, Laws of 1984 and RCW 87.03.435 are each amended to read as follows:

(1) Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to the district for its use, for at least twenty-five percent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Except as provided in subsections (2) and (3) of this section and section 2 of this act, whenever in the construction of the district canal or canals, or other works, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of the work or the furnishing of the materials, a notice calling for sealed proposals shall be published. The notice shall be published in a newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than once each week for two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let the work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence~~(-PROVIDED: That))~~.

(2) The provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material~~(-PROVIDED FURTHER: That))~~.

(3) The provisions of this section ~~(shall)~~ do not apply:

(a) In the case of any contract between the district and the United States;

(b) In the case of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board of directors or proclamation of an official designated by the board to act for the board during such emergencies. The resolution or proclamation shall declare the existence of the emergency and recite the facts constituting the emergency; or

(c) To purchases which are clearly and legitimately limited to a single source of supply or to purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

NEW SECTION. Sec. 2. A new section is added to chapter 87.03 RCW to read as follows:

All contract projects, the estimated cost of which is less than sixty thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of directors shall authorize by resolution a procedure for securing telephone or written quotations, or both, from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good-faith effort be made to request quotations from all responsible contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year.

Sec. 3. Section 39, page 692, Laws of 1889-90 as last amended by section 4, chapter 168, Laws of 1984 and RCW 87.03.460 are each amended to read as follows:

((The directors shall each receive not to exceed forty dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and)) in addition ((thereto)) to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive an amount for attending meetings and while performing other services for the district. The amount shall be fixed by resolution and entered in the minutes of the proceedings of the board. The amount shall not exceed fifty dollars for each day or portion thereof spent by a director for such attendance or performance. The total amount of such additional compensation received by a director may not exceed four thousand eight hundred dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 87.03.435 and 87.03.460; and adding a new section to chapter 87.03 RCW."

#### MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 1881, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1881, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1881, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

ENGROSSED HOUSE BILL NO. 1881, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1400, by Representative R. Meyers

Clarifying the family court commissioner statute.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 13, after "or more" strike "competent persons" and insert "((competent persons)) attorneys"

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 17, after "authority" strike "in counties of the third through ninth class"

#### MOTION

On motion of Senator Metcalf, Senator Amondson was excused.

#### MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1400, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1400, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1400, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator McDonald - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Matson, Sutherland - 5.

HOUSE BILL NO. 1400, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1289, by Representatives Cole, Patrick, Vekich, Leonard, Walker, Jones, Wolfe, Prentice and Smith

Modifying business entertainment practices of liquor importers, wholesalers, or manufacturers.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 1289 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Metcalf: "Senator Lee, would this allow liquor manufacturers or importers to provide to license retailers, tickets or admission fees? Could they provide a season ticket to the Mariners--to some retailer?"

Senator Lee: "The requirement is, Senator Metcalf, that they must actually accompany them, because it is only in the situation where it is a bona fide business meeting in that kind of an atmosphere. In other words, they could, if they had a loge box, for example, and invited them to come to a particular game, then they could, if business transactions were discussed, then it would be legal. If they simply bought them season tickets for some place down on the floor, and they--the particular person who provided it was not also there--it would not be legal."

Senator Metcalf: "Ok, so they'd have to go with them, so it isn't a way they could provide tickets? OK, thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1289.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1289 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Craswell, Metcalf - 2.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

HOUSE BILL NO. 1289, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5269, by Senators Bailey, Rinehart, Anderson, Johnson, Barr, Murray, Metcalf, Craswell, Lee, Hansen, Gaspard, Newhouse, Bender, Fleming, Bauer, Thorsness, Benitz, Smith, Vognild, Stratton, Nelson, Rasmussen, Kreidler, Wojahn, DeJarnatt, Madsen, Talmadge, Saling, McMullen and Sutherland

Providing for improvements in technology and vocational education.

## MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the second substitute senate bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rinehart: "Senator Bailey, you indicated that some of the bill was in the budget and some was not. Could you identify for us, what part of this is actually funded?"

Senator Bailey: "The parts of this bill that are funded are the class size, the 16.67, the annual average full-time equivalent students in grades nine through twelve, is fully funded--and we've been trying to do this for years and we finally have this part of the bill funded. We also are funding to the extent of six million dollars for the equipment that we need. We asked originally for twelve million dollars. Six million dollars will go a long way to providing the equipment for the schools for vocational training."

Senator Rinehart: "If I might continue. Is the amount for the ratio what was requested--the nine million?"

Senator Bailey: "Yes."

Senator Rinehart: "So, it has a total of fifteen million dollars? The nine for the ratio and six--the half of the request. So, the part then that is not funded is the Voc Ed for the 21st Century, the technology services, the technology grants, and the one-half of the equipment upgrade?"

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5269.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1254, by Committee on Judiciary (originally sponsored by Representatives H. Myers, Beck, Morris, R. Meyers, G. Fisher, Peery, Winsley, Wang, May, Jones, P. King, R. Fisher, Sayan, O'Brien, Locke, Crane, Heavey, Inslee, Rector, Brough, Cooper and Brumsickle) (by request of Governor Gardner and Attorney General)

Providing immunity from civil liability.

The bill was read the second time.

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 16, after "liability" strike all material through "agency" on line 17 and insert "arising from the communication of such complaint or information"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 1, line 16, to Substitute House Bill No. 1254.

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

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1254, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Thank you, Senator Pullen. I believe it is important that we clarify the legislative intent on this bill. As you know, this bill establishes whistleblower immunity for individuals who provide important information to government agencies. It also authorizes government agencies which receive such information to defend whistleblowers against retaliatory law suits. Finally, this bill allows a whistleblower or intervening agency to recover any costs and attorney fees incurred in establishing the immunity defense.

"My question is this, does this bill apply prospectively only or would it apply to pending actions based on communications occurring prior to its effective date?"

Senator Pullen: "I believe that the bill applies equally to any pending civil action that is based on communications which would be protected under this bill. Statutes are generally presumed to operate prospectively only. However, a statute may apply retroactively if the statute relates to practice, procedure, or remedies and does not affect a contractual or vested right or impose a penalty. Such is the case here. I would also note, Senator Talmadge, that the Office of the Attorney General has issued an informal opinion which supports the view that this bill would apply retroactively if enacted."

Senator Talmadge: "Thank you, Senator Pullen, for helping to clarify this important bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1254, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1254, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SUBSTITUTE HOUSE BILL NO. 1254, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Anderson, Lee and Saling

Creating the joint select fair competition review committee.

## MOTIONS

On motion of Senator Lee, Substitute Senate Concurrent Resolution No. 8404 was substituted for Senate Concurrent Resolution No. 8404 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended. Substitute Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third, and the substitute concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8404.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8404 and the substitute concurrent resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Matson, Sutherland - 4.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority was declared passed.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1231, by Representatives R. King, S. Wilson, Hargrove and Fuhrman

Modifying procedures regarding disposal of skins and furs.

The bill was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 1, line 14, after "from" delete "the sales of skins and furs" and insert "(the) sales"

On motion of Senator Metcalf, the rules were suspended. Engrossed House Bill No. 1231, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I'm reading on page 1, line 7, which says, 'The director may authorize the removal or killing of wildlife that is destroying or injuring property when it is necessary for wildlife management or research.' Does this include sea lions? Are they considered--"

Senator Metcalf: "I hope it does. No, it really was not intended for that."

Senator Rasmussen: "I understand it's only related to skins, and I didn't know whether sea lion skins were valuable or not."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1231, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1231, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

ENGROSSED HOUSE BILL NO. 1231, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1259, by Committee on Local Government (originally sponsored by Representatives Scott, Cole, Heavey, Padden, Crane, P. King, R. Meyers, Belcher, Schmidt, Moyer, Tate, Patrick, Anderson, Jacobsen, Kremen, Todd, G. Fisher, Doty, Winsley, Baugher and Silver)

Exempting guide and service dogs from local license fees.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1259.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1259 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

SUBSTITUTE HOUSE BILL NO. 1259, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Newhouse, the Senate will now consider House Bill No. 1010.

#### SECOND READING

HOUSE BILL NO. 1010, by Representatives Sayan, Patrick, Wang, Wineberry, R. King, Rector, Dellwo, Winsley, Basich and Day

Revising provisions for disability leave supplement for law enforcement officers and fire fighters.

The bill was read the second time.

#### MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 1010 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1010.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1010 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senator West - 1.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

HOUSE BILL NO. 1010, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1024, by Representatives Appelwick, Padden, Wineberry, Locke, O'Brien, Zellinsky, Heavey, R. King, Anderson, Wolfe, Moyer, Ballard, Wang, S. Wilson, Pruitt, Sprenkle, Jesernig, Valle, Inslee, Tate, Winsley, P. King, Walker, Brough, Dellwo, Rector, Cooper, Jones, Todd, H. Myers, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, R. Fisher, Gallagher, Crane, Miller, Morris, Fraser, Schmidt, Silver, Phillips, Rasmussen, Scott, Cole, K. Wilson, Spanel and Bowman (by request of Department of Corrections)

Notifying victims and witnesses of sex offenses of escape, release, or furlough of inmates.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1024.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1024 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

HOUSE BILL NO. 1024, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1038, by Representatives Haugen, S. Wilson, Cooper, May, Leonard, Horn, Nutley, Ferguson, Jones and D. Sommers

Changing provisions relating to county legislative authority meetings.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1038.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1038 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

HOUSE BILL NO. 1038, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1039, by Committee on Natural Resources and Parks (originally sponsored by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Spanel, Horn, Jones, Leonard, Heavey, P. King and Phillips)

Providing oil dump and holding tank pump station information to boaters.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1039 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1039.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1039 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

SUBSTITUTE HOUSE BILL NO. 1039, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1049, by Representatives Locke, Inslee, Appelwick, P. King and Wineberry

Relating to permitting prosecutors to perform certain legal services.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1049 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1049.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1049 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 43.

Absent: Senators Barr, McMullen, West - 3.

Excused: Senators DeJarnatt, Fleming, Sutherland - 3.

ENGROSSED HOUSE BILL NO. 1049, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:44 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 7:03 p.m. by Senator Newhouse.

There being no objection, Senator Newhouse reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

April 3, 1989

SB 5872 Prime Sponsor, Senator Anderson: Establishing a rural affairs revitalization committee and undertaking rural development projects. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Smith, Talmadge, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

SB 6052 Prime Sponsor, Senator McDonald: Imposing a sales tax on adult entertainment materials and services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass. Signed by McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Newhouse, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

SB 6074 Prime Sponsor, Senator West: Revising provisions on public facilities districts. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6074 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Saling, Talmadge, Williams.

Passed to Committee on Rules for second reading.

April 3, 1989

SB 6075 Prime Sponsor, Senator Bluechel: Authorizing tax credits for certain donations to institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6075 be substituted therefor, and the substitute bill do pass. Signed by McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1031 Prime Sponsor, Committee on Capital Facilities and Financing: Making changes to state budget requests. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 1032 Prime Sponsor, Representative Holland: Providing for general obligation bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1051 Prime Sponsor, Committee on Human Services: Regarding developmentally disabled adults. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1086 Prime Sponsor, Committee on Environmental Affairs: Regulating underground storage tanks. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

SHB 1097 Prime Sponsor, Committee on Revenue: Exempting property used by homes for the aged from taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Moore, Newhouse, Owen, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1104 Prime Sponsor, Committee on Environmental Affairs: Revising provisions for motor vehicle inspection and maintenance. Reported by Committee on Ways and Means

MAJORITY recommendation: No recommendation; refer to Rules. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Niemi, Saling, Smith, Talmadge, Williams.

Passed to Committee on Rules with no recommendation.

March 31, 1989

EHB 1172 Prime Sponsor, Representative Belcher: Revising requirements for natural resources conservation areas. Reported by Committee on Ways and Means



MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Fleming, Lee, Niemi, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

2SHB 1180 Prime Sponsor, Committee on Financial Institutions and Insurance: Insuring liability for leaks from underground oil storage tanks. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

SHB 1305 Prime Sponsor, Committee on Revenue: Correcting the public utility tax in response to a 1986 Thurston county superior court decision. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

HB 1307 Prime Sponsor, Representative Phillips: Revising assessment levels for equalizing personal property. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

EHB 1360 Prime Sponsor, Representative R. Fisher: Revising personnel administration. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Saling, Smith.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bauer, Moore, Niemi, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

April 3, 1989

SHB 1405 Prime Sponsor, Committee on Capital Facilities and Financing: Regarding building fees for higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Saling, Smith.

MINORITY recommendation: Do not pass as amended. Signed by Senators Moore, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1430 Prime Sponsor, Committee on Higher Education: Requiring gender equality in higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

April 3, 1989

SHB 1457 Prime Sponsor, Committee on Appropriations: Regarding the indeterminate sentencing review board. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Johnson, Lee, Newhouse, Niemi, Owen, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1542 Prime Sponsor, Committee on Health Care: Creating a system making offenders accountable for legal financial obligations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1989

SHB 1569 Prime Sponsor, Committee on Natural Resources and Parks: Regarding forest protection. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1574 Prime Sponsor, Committee on Revenue: Authorizing cities and towns to impose an excise tax on brokered natural gas. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

EHB 1778 Prime Sponsor, Representative Holland: Modifying tax status of trade shows and other convention-oriented events. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1989

HB 1885 Prime Sponsor, Representative Hine: Making adjustments to the judicial retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 1910 Prime Sponsor, Committee on State Government: Providing limitations on campaign contributions, voluntary limitations on campaign spending, and partial public financing of campaigns. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

April 3, 1989

EHB 1917 Prime Sponsor, Representative O'Brien: Establishing a certified real estate appraiser law. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Smith, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

SHB 2014 Prime Sponsor, Committee on Appropriations: Revising provisions for special education programs for handicapped children. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Lee, Matson, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

ESHB 2020 Prime Sponsor, Committee on Higher Education: Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

March 31, 1989

HB 2053 Prime Sponsor, Representative Silver: Providing a seven-year limitation for regular property tax levies involving redemption payments on bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1989

EHB 2168 Prime Sponsor, Representative Nelson: Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

## MOTION

At 7:04 p.m., on motion of Senator Vognild, the Senate adjourned until 8:30 a.m., Tuesday, April 4, 1989.

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

## EIGHTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 4, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, DeJarnatt, Fleming, Gaspard, McDonald, Murray, Rasmussen and West. On motion of Senator Bender, Senators DeJarnatt, Fleming and Murray were excused.

The Sergeant at Arms Color Guard, consisting of Pages James Merrill and Robert Smith, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

### MOTION

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

### INTRODUCTION AND FIRST READING

SB 6096 by Senators Pullen, Vognild and Warnke

AN ACT Relating to communication personnel; and amending RCW 41.56.495.

Referred to Committee on Economic Development and Labor.

SB 6097 by Senators Talmadge, Wojahn, Warnke, Smitherman, Rasmussen, Murray, Fleming, Moore and Williams

AN ACT Relating to basic education allocation; and amending RCW 28A.41.140.

Referred to Committee on Ways and Means.

### SECOND READING

### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9085, Majel A. Wilson, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

Senator Nelson spoke to the confirmation of Majel A. Wilson as a member of the Board of Trustees for Edmonds Community College.

### APPOINTMENT OF MAJEL A. WILSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Absent: Senators Craswell, Gaspard, McDonald, Rasmussen, West - 5.

Excused: Senators DeJarnatt, Fleming, Murray - 3.

### SECOND READING

ENGROSSED HOUSE BILL NO. 1062, by Representatives Appelwick, Padden, Insee, Tate, Jacobsen and P. King (by request of State Military Department)

Revising provisions in the Washington code of military justice.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1062 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1062.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1062 and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Absent: Senators Craswell, Gaspard, McDonald, Rasmussen, West - 5.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED HOUSE BILL NO. 1062, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Bender, Senators Gaspard and Vognild were excused.

On motion of Senator Warnke, Senator Wojahn was excused.

## SECOND READING

HOUSE BILL NO. 1162, by Representatives Hine, G. Fisher, Horn, Ferguson and Haugen

Changing provisions relating to cities annexed by fire protection districts.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1162 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1162.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1162 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senator Craswell - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Vognild, Wojahn - 5.

HOUSE BILL NO. 1162, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

HOUSE BILL NO. 1163, by Representatives Haugen and Ferguson

Modifying the time period applying to filing of claims against noncharter cities and towns.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1163.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1163 and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 42.

Absent: Senators Craswell, Metcalf - 2.

Excused: Senators DeJarnatt, Fleming, Gaspard, Vognild, Wojahn - 5.

HOUSE BILL NO. 1163, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Craswell was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1192, by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Kremen, Winsley, Baugher, Fuhrman, Bristow, Rayburn, Nealey, Cooper, Smith, Raiter, Doty, H. Myers, Rasmussen and Miller)

Authorizing special assessments and a grant program for conservation districts.

The bill was read the second time.

## MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute House Bill No. 1192 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1192.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1192 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 44.

Excused: Senators Craswell, DeJarnatt, Fleming, Vognild, Wojahn - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1192, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1205, by Representatives Sayan, O'Brien, Heavey, Day, Ferguson, Ballard, Zellinsky, Jones, Basich, Prentice, Leonard, Rayburn, Rasmussen, Dorn, R. King, R. Meyers, Hargrove, Rector, Anderson, P. King and Kremen

Recording of honorable discharges.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1205 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1205.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1205 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Craswell, DeJarnatt, Fleming, Wojahn - 4.

HOUSE BILL NO. 1205, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1282, by Representatives Walk, Schmidt and Baugher

Defining motor freight forwarders and brokers.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1282 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1282.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1282 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Craswell, DeJarnatt, Fleming, Wojahn - 4.

HOUSE BILL NO. 1282, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1287, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Day, Chandler, Crane, Winsley, Dellwo, Schmidt and P. King)

Extending the time frame for possible renewal of escrow agent licenses.



The bill was read the second time.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1287 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1287.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1287 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senator Smith - 1.

Excused: Senators Craswell, DeJarnatt, Fleming, Matson, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 1287, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1290, by Representatives K. Wilson and Beck

Establishing a new geographic coordinate system for Washington.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1290.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1290 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senator Hansen - 1.

Absent: Senator Smith - 1.

Excused: Senators Craswell, DeJarnatt, Fleming, Matson, Wojahn - 5.

HOUSE BILL NO. 1290, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1330, by Representatives Walk, Schmidt, R. Meyers, Kremen, R. Fisher, Walker, Youngsman, S. Wilson, Winsley, Braddock, Brough, Raiter, Schoon, Pruitt and Spanel (by request of Director of County Road Administration Board)

Changing provisions relating to ferry operation.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1330 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1330.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1330 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senator Hayner - 1.

Excused: Senators Craswell, DeJarnatt, Fleming, Matson, Wojahn - 5.

ENGROSSED HOUSE BILL NO. 1330, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1348, by Representatives Ferguson, O'Brien, Betrozoff, Haugen, May, Winsley, Sayan, Beck, Crane, Silver, Jones, Holland, Moyer, Horn, Patrick, Wood, Hankins and Miller

Authorizing excess weight permits for emergency vehicles.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1348.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1348 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Absent: Senator Johnson - 1.

Excused: Senators Craswell, DeJarnatt, Fleming, Matson, Rinehart, Wojahn - 6.

ENGROSSED HOUSE BILL NO. 1348, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1355, by Committee on Appropriations (originally sponsored by Representatives G. Fisher, Smith, Sprengle, Inslee, Crane and Sayan) (by request of Governor Gardner)

Improving state motor vehicle operations.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1355.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1355 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senator Smith - 1.

Excused: Senators Craswell, DeJarnatt, Fleming, Rinehart, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 1355, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1379, by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Sayan, Silver, Brekke, Fuhrman, Holland, May, Winsley, Betzoff, Wolfe, Schoon, Miller, Horn, Phillips and Ballard) (by request of Legislative Budget Committee)

Authorizing adjustment of bid prices.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1379 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Thank you, Senator McCaslin. On some of these bills that fly through on the consent calendar, it's kind of necessary to read them. This one raises some questions in my mind, I guess. I question if you have a circumstance where you're bidding on a public project and you decide that you want to undercut all of your competition by bidding very low, knowing there's no way in the world that you can get that contract, but having a suspicion that all of the other bidders might be well beyond what the bid price was set. Isn't this a real invitation to negotiated bids and some attendant problems that such negotiated bids create in terms of insider activities?"

Senator McCaslin: "Your question brings to mind the Womens' Minority Bill that we passed some time ago, which was absolutely an open book and which I think you supported. That was much more an open book than this and I've got to give credit to the agencies where they can negotiate this. Besides, Senator Talmadge, if we do have a problem with this, if in your research and your study of the bids, it shows that we're having a problem, then we can readdress it next session."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1379.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1379 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen,

Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senators Moore, Talmadge, Wojahn - 3.

Excused: Senators Craswell, DeJarnatt, Fleming, Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 1379, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Kreidler was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1065, by Committee on Judiciary (originally sponsored by Representatives Jones, Hargrove, Patrick, Walker, S. Wilson, Haugen, Basich, Brough, Todd, Ferguson, Holland, Crane, Cole, Rayburn, Jesernig, Rector, Heavey, Pruitt, Leonard, Kremen, Winsley, P. King, Bowman, Moyer, Silver, Cantwell, D. Sommers, Wineberry, H. Myers, G. Fisher, K. Wilson, Morris, Miller, Wolfe, Youngsman, Van Luven, McLean, Nealey, Tate, May, Schoon, Brumsickle, Doty, Phillips, Betrozoff and Anderson)

Increasing penalties for sex crimes against children.

The bill was read the second time.

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Talmadge be adopted:

On page 18, after line 7, insert the following:

NEW SECTION. Sec. 6. The legislature finds that treatment of the emotional problems of child sexual abuse victims may be impaired by lengthy delay in trial of the accused and the resulting delay in testimony of the child victim. The trauma of the abusive incident is likely to be exacerbated by requiring testimony from a victim who has substantially completed therapy and is forced to relive the incident. The legislature finds that it is necessary to prevent, to the extent reasonably possible, lengthy and unnecessary delays in trial of a person charged with abuse of a minor.

NEW SECTION. Sec. 7. A new section is added to chapter 10.46 RCW to read as follows:

When a defendant is charged with a crime which constitutes a violation of RCW 9A.64.020 or chapter 9.68, 9.68A, or 9A.44 RCW, and the alleged victim of the crime is a person under the age of eighteen years, neither the defendant nor the prosecuting attorney may agree to extend the originally scheduled trial date unless the court within its discretion finds that there are substantial and compelling reasons for a continuance of the trial date and that the benefit of the postponement outweighs the detriment to the victim. The court may consider the testimony of lay witnesses and of expert witnesses, if available, regarding the impact of the continuance on the victim."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Pullen and Talmadge on page 18, after line 7, to Substitute House Bill No. 1065.

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

#### MOTIONS

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 2 of the title, after "9.94A.120;" insert "adding a new section to chapter 10.46 RCW;"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1065, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1065, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1065, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Craswell, DeJarnatt, Fleming, Kreidler, Rinehart - 5.

SUBSTITUTE HOUSE BILL NO. 1065, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1414, by Committee on Judiciary (originally sponsored by Representatives P. King, Dellwo and Appelwick) (by request of Administrator for the Courts)

Establishing a judicial information system fund.

The bill was read the second time.

## MOTION

Senator Hayner moved that the following amendment by Senators Hayner and Niemi be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The judicial information system committee, as established by court rule, shall determine all matters pertaining to the delivery of services available from the judicial information system. The committee may establish a fee schedule for the provision of information services and may enter into contracts with any person, public or private, including the state, its departments, subdivisions, institutions, and agencies. However, no fee may be charged to county or city governmental agencies within the state of Washington using the judicial information system for the business of the courts.

NEW SECTION, Sec. 2. There is created an account in the custody of the state treasurer to be known as the judicial information system account. The office of the administrator for the courts shall maintain and administer the account, in which shall be deposited all moneys received from in state noncourt users and any out-of-state users of the judicial information system. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. The administrator for the courts shall make disbursements from the account at the direction of the judicial information committee. The account shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, computer software, products, and services rendered to in state noncourt users and all out-of-state users and licensees of the judicial information system.

NEW SECTION, Sec. 3. The judicial information system committee shall develop a schedule of user fees for in-state noncourt users and all out-of-state users of the judicial information computer system and charges for judicial information system products and licenses for the purpose of distributing and apportioning the full cost of operation and continued development of the system among the users. The schedule shall generate sufficient revenue to cover the costs relating to (1) the payment of salaries, wages, other costs including, but not limited to the acquisition, operation, and administration of acquired information services, supplies, and equipment; and (2) the development of judicial information system products and services. As used in this section, the term "supplies" shall not be interpreted to delegate or abrogate the state purchasing and material control director's responsibilities and authority to purchase supplies as provided in chapter 43.19 RCW.

NEW SECTION, Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 2 RCW."

Debate ensued.

## MOTION

Senator Rasmussen moved that the following amendment to the amendment by Senators Hayner and Niemi be adopted:

On page 2, line 5 of the amendment, strike "no"

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, do we not have a revolving fund that is used for the Attorney General--and is appropriated?"

Senator Hayner: "I can't answer that. We may have in certain areas."

Senator Rasmussen: "Yes, we do."

## WITHDRAWAL OF AMENDMENT TO AMENDMENT

There being no objection, Senator Rasmussen withdrew the amendment on page 2, line 5, to the amendment by Senators Hayner and Niemi.

## MOTION

Senator Talmadge moved that Rule 64 be invoked and Substitute House Bill No. 1414 be moved from the consent calendar to the regular second reading calendar.

EDITOR'S NOTE: Rule 64 reads: "Upon second reading, the bill shall be read section by section, in full, and be subject to amendment."

"Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

"No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

"All amendments adopted on the second reading shall then be securely fastened to the original bill.

"All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

"When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading."

## MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1414 was deferred.

## PERSONAL PRIVILEGE

Senator Murray: "Mr. President, I rise to a point of personal privilege. Mr. President and members of the Senate, I would like to direct your attention to the south gallery and the north gallery and recognize where we have a number of people here today who are wearing red in support of the Children's Initiative, because they know how important it is to recognize the children of the state of Washington."

## POINT OF ORDER

Senator Newhouse: "I rise to a point of order, Mr. President. Announcing people in the gallery is not a privilege of members and is reserved only for the presiding officer, and the member is not speaking on a point of personal privilege."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Newhouse, your point is well taken. Senator Murray, a point of personal privilege concerns only you and does not concern the gallery."

## FURTHER REMARKS BY SENATOR MURRAY

Senator Murray: "Mr. President, may I say that my point is that I would invite anybody who would like to wear a red arm band in support of the Children's Initiative--since we probably won't be allowed to vote on it--I would welcome you back to my desk to do so. Thank you."

## SECOND READING

ENGROSSED HOUSE BILL NO. 1418, by Representatives Padden, Moyer, Fuhrman, Wolfe, Day, Crane, Smith, Chandler, Ballard and Tate

Adding provisions on moral nuisances.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1418 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1418.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1418 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Craswell, DeJarnatt, Fleming - 3.

ENGROSSED HOUSE BILL NO. 1418, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5014,  
 SUBSTITUTE SENATE BILL NO. 5088,  
 SUBSTITUTE SENATE BILL NO. 5193,  
 SENATE BILL NO. 5277,  
 SENATE BILL NO. 5983.

#### MOTION

At 10:22 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Pritchard.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1221, by Committee on Commerce and Labor (originally sponsored by Representatives McLean, Vekich, Nealey, P. King, Todd and Silver)

Easing licensing requirements for vehicle auctioneers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 11, Laws of 1979 as last amended by section 1, chapter 287, Laws of 1988 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures.

(13) "Wholesale vehicle dealer" means a vehicle dealer who sells to Washington dealers.



(14) "Retail vehicle dealer" means a vehicle dealer who sells vehicles to the public.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(16) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(17) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

Sec. 2. Section 4, chapter 241, Laws of 1986 and RCW 46.70.023 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

~~((3))~~ (5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

~~((4))~~ (6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

~~((5))~~ (7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

~~((6))~~ (8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

~~((7))~~ (9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with

all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

((+)) (10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

((+)) (11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

((+)) (12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

((+)) (13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

Sec. 3. Section 7, chapter 74, Laws of 1967 ex. sess. as last amended by section 6, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.051 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer (~~PROVIDED, That nothing shall~~). Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and (~~PROVIDED FURTHER, That nothing shall~~) nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

Sec. 4. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 11, chapter 241, Laws of 1986 and RCW 46.70.070 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers (~~running~~). The bond shall run to the state, and shall be executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter (:) .

((+)) (2) Wholesale dealers shall not be required to file a surety bond with the department.

(3) Before issuing a motor vehicle dealer's license to an auction company, the department shall require the applicant to file a vehicle dealer's surety bond with the department in the amount of fifteen thousand dollars. The bond shall cover all vehicle sales in the state.

(4) Any retail purchaser who (~~shall have~~) has suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter (~~shall have the right to~~) may institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

((+)) (5) Except as provided in subsection (3) of this section, the bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

((+)) (6) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies."

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.70.011, 46.70.023, 46.70.051, and 46.70.070."

## MOTION

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1221, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1221, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1221, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator McCaslin - 1.

Absent: Senators Niemi, Sellar - 2.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE HOUSE BILL NO. 1221, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1386, by Committee on Local Government (originally sponsored by Representatives Phillips, Ferguson, Horn and Haugen)

Amending the requirement for creating small works roster.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A county may use a small works roster and award contracts under sections 2 through 4 of this act for any project for which the estimated cost is one hundred thousand dollars or less.

NEW SECTION, Sec. 2. Each county may maintain a small works roster which shall be comprised of all contractors requesting to be on the roster and who are, where required by law, properly licensed or registered to perform work in the state of Washington. Whenever possible, the county shall actively solicit participation by women and minority contractors.

NEW SECTION, Sec. 3. Whenever construction is done by contract for which the estimated cost is one hundred thousand dollars or less and the county uses a small works roster, the county shall invite proposals from appropriate contractors on the small works roster. Such invitation shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible, not less than five separate appropriate contractors shall be requested to submit proposals on any individual contract.

Once a contractor on the small works roster has been offered an opportunity to submit a proposal, that contractor shall not be offered another opportunity on any contract until all other appropriate contractors, including minority and women contractors, have been afforded an opportunity to submit a proposal on a contract.

NEW SECTION, Sec. 4. When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the county shall award the contract to the contractor submitting the lowest responsible proposal.

NEW SECTION, Sec. 5. Sections 1 through 4 of this act are each added to chapter 36.32 RCW.

Sec. 6. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 9, chapter 169, Laws of 1985 and by section 1, chapter 369, Laws of 1985 and RCW 36.32.250 are each reenacted and amended to read as follows:

No contract, lease, or purchase may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the time and place where bids will be opened, the time after which bids will not

be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than ((three thousand five hundred)) ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than ((three thousand five hundred)) ten thousand dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and ((three thousand five hundred)) ten thousand dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. The procedure shall include the annual establishment of an array of general categories in which such contracts, leases, or purchases are anticipated. A roster shall be developed for each category, consisting of all potential bidders who have requested to be included on the roster. The county shall invite proposals from all vendors listed on the appropriate roster for each purchase between one thousand and ten thousand dollars. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "reenacting and amending RCW 36.32.250; and adding new sections to chapter 36.32 RCW."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1386, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Smitherman: "Senator McCaslin, I've not had an opportunity to go through the amendment in detail, but in the original proposal it discussed a process where five contractors would be asked to submit bids on a contract and it also discussed the fact that out of that five, one had to be a woman or a minority contractor. Is that provision held within your amendment?"

Senator McCaslin: "Yes, and they must consider those when they do award the bid."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1386, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1386, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Niemi, Sellar - 2.

Excused: Senators DeJarnatt, Fleming - 2.

SUBSTITUTE HOUSE BILL NO. 1386, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1025, by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel (by request of Department of Fisheries)

Changing standards for commercial fishing licenses.

The bill was read the second time.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 2, after line 19, insert the following:

"Sec. 3. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license or permit shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license or permit the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license and permit decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license or permit is not valid if the vessel is operated by a person other than the operator listed on the license or permit. ~~(The director may authorize additional operators for the license or permit. The fee for an additional operator is ten dollars.)~~

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license or permit shall be issued upon payment of a fee of ten dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. The replacement fee is two dollars."

Renumber remaining section consecutively.

#### POINT OF INQUIRY

Senator Metcalf: "Senator Sutherland, I don't remember discussing this in committee or discussing this with you. Is this cleared with the department--this amendment? The bill is a tune-up of noncontroversial things for the department. Is this amendment cleared with the department?"

Senator Sutherland: "Senator Metcalf, no, as a matter of fact, the department and Legislature differ quite often on a number of legislative issues. This is probably one that the department would differ with the legislative action on, although I don't know that for sure. I didn't have time to clear it with the department and I'm asking this body to act independently of clearing it with the department."

Senator Metcalf: "And would you repeat again why we're doing this? Is it the additional ten dollar fee that we object to, or the director, or the director's authority that we would object to?"

Senator Sutherland: "Senator Metcalf, let me just walk through a little bit of current authority. Currently, those that are granted commercial fishing licenses,

particularly those for gill netting, may decide that they, in fact, don't want to actually do any of the fishing any longer. So they can, with a ten dollar permit, hire someone else to operate those vessels for them. In fact, many of the commercial operators in the state of Washington hold more than one permit, and since they can't be on more than one boat at the same time, they have a number of people actually doing the work for them under their license.

"Many of us in the state of Washington believe that, as with recreational anglers, I'm the only one that can fish under my recreational license, and that if commercial folks are interested in having a family occupation based on their ability to fish, then they ought to be the ones out there fishing rather than just purchasing up licenses from many, many different sources and then having a number of other folks, in fact, making it a major corporation type of a business. So, a few of us believe that we should restrict it down and just have the vessel owner be the one that's actually doing the fishing."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Sutherland, as I read this, if I owned a boat and a license and I was to become ill, I would not be allowed to have somebody else fish my boat. I could lose a whole season and lose my right to the license under your amendment."

Senator Sutherland: "Senator Rasmussen, that is correct. This license, under this amendment is the topic of two bills that were introduced this year--one that I introduced and one that Senator Smith introduced--both doing the same thing in response to a number of constituent inquiries. This would require that the operator be the one doing the fishing. So, Senator Rasmussen, you are correct."

Further debate ensued.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Sutherland, and there being no objection, the amendment on page 2, after line 19, to House Bill No. 1025 was withdrawn.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1025 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1025.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1025 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Matson, Niemi - 2.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 1025, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2060, by Representatives Patrick, Leonard, Beck, Vekich, Baugher, Prentice, Crane, Doty, Inslee, Padden, Kremen, Rayburn, Holland, Walker, Wolfe, Silver, Ballard, Miller, Rector, Winsley, Smith and Todd

Providing industrial insurance coverage for the horse racing industry.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. A new section is added to chapter 51.16 RCW to read as follows:

(1) The department shall assess premiums, under the provisions of this section, for certain horse racing employments licensed in accordance with chapter 67.16 RCW. This premium assessment shall be for the purpose of providing industrial insurance coverage for employees of trainers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms, and includes all on or off track employment. For the purposes of sections 1 through 7 of this act a hotwalker shall be considered a groom. The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative reporting periods and payment due dates for coverage under this section.

(2) The department shall compute industrial insurance premium rates on a per license basis, which premiums shall be assessed at the time of each issuance or renewal of the license for owners, trainers, and grooms in amounts established by department rule for coverage under this section. This premium assessment shall be for the purpose of providing industrial insurance coverage for workers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms. Premium assessments shall be determined in accordance with the requirements of this title, except that assessments shall not be experience rated and shall be fixed at the basic manual rate. However, rates may vary according to differences in working conditions at major tracks and fair tracks.

(3) For the purposes of paying premiums and assessments under this section and making reports under this title, individuals licensed as trainers by the Washington horse racing commission shall be considered employers. The premium assessment for a groom's license shall be paid by the trainer responsible for signing the groom's license application and shall be payable at the time of license issuance or renewal.

(4) Premium assessments under this section shall be collected by the Washington horse racing commission and deposited in the industrial insurance trust funds as provided under department rules.

**NEW SECTION.** Sec. 2. A new section is added to chapter 67.16 RCW to read as follows:

(1) In addition to the license fees authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under section 1 of this act from trainers and grooms. The industrial insurance premium assessments required under section 1 of this act shall be retroactive to January 1, 1989, and shall be collected from all licensees whose licenses were issued after that date. The department shall adopt such rules as are necessary to ensure that no licensee licensed prior to the effective date of this act shall pay more than the assessment fixed at the basic manual rate. The commission shall deposit the industrial insurance premium assessments in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

(2) In addition to the license fees to be imposed on owner licenses as authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under section 1 of this act, to apply retroactively to all licenses issued prior to the effective date of this act and after January 1, 1989. The assessment on each owner's license shall not imply that an owner is an employer, but shall be required as part of the privilege of holding an owner's license. The fee to be assessed on owner licenses as required by section 1 of this act shall in no case exceed one hundred fifty dollars. The commission shall deposit the industrial insurance premium assessments collected in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

Sec. 3. Section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140 are each amended to read as follows:

(1) Every employer who is not a self-insurer shall deduct from the pay of each of his or her workers one-half of the amount he or she is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. The deduction under this section is not authorized for premiums assessed under section 1 of this 1989 act.

(2) It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 4. Section 9, chapter 14, Laws of 1980 and RCW 51.32.073 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, each employer shall retain from the earnings of each worker that amount as shall be fixed from time to time by the director, the

basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075, as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis. The department may require a self-insurer to make any additional payments which are payable from the supplemental pension fund and thereafter such self-insurer shall be reimbursed therefrom.

(2) None of the amount assessed for the supplemental pension fund under section 1 of this 1989 act may be retained from the earnings of workers covered under section 1 of this 1989 act.

Sec. 5, Section 4, chapter 55, Laws of 1933 as last amended by section 2, chapter 146, Laws of 1985 and RCW 67.16.020 are each amended to read as follows:

It shall be the duty of the commission, as soon as it is possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern the race meets in this state. It shall determine and announce the place, time and duration of race meets for which license fees are exacted; and it shall be the duty of each person holding a license under the authority of this chapter, and every owner, trainer, jockey, and attendant at any race course in this state, to comply with all rules and regulations promulgated and all orders issued by the commission. It shall be unlawful for any person to hold any race meet without having first obtained and having in force and effect a license issued by the commission as in this chapter provided; and it shall be unlawful for any owner, trainer or jockey to participate in race meets in this state without first securing a license therefor from the state racing commission, the fee for which shall be set by the commission which shall offset the cost of administration and shall not be for a period exceeding ~~((three))~~ one year(s).

NEW SECTION. Sec. 6. The house commerce and labor committee and the senate economic development and labor committee, in conjunction with the horse racing commission and the department of labor and industries, shall conduct a study of industrial insurance coverage of the horse racing industry, specifically including coverage for jockeys. The committees shall report the results of the study to the house of representatives and the senate by December 1, 1989.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1989."

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 51.16.140, 51.32.073, and 67.16.020; adding a new section to chapter 51.16 RCW; adding a new section to chapter 67.16 RCW; creating a new section; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 2060, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator Lee, I have two concerns with the bill and I am unable to find the definitions. Is it your intent that four or five owners that own one horse, that each of those would be subject to the one hundred-fifty dollar industrial insurance levy?"

Senator Lee: "My understanding, Senator Vognild, is that that is not the intent of the act, because of the fact that the assessment is tied to the license to run that particular horse and so it goes with the application for that fee. Whether or not it is one individual or whether it is a consortium of individuals, since it is tied to the license fee, it would be a single assessment."

Senator Vognild: "Well, I would be safe then in saying that for the purpose of this act, that it is intended that a license to run a horse here is the license on that horse and it does not matter how many owners there are? Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2060, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2060, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Hansen - 1.

Absent: Senator Niemi - 1.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 2060, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. We have two different times in the chamber. We have twelve o'clock on one wall, which I believe is the west wall, and we have eleven o'clock on the east wall. Now, if we have a bill on reconsideration at a time certain, there would be a tremendous amount of confusion in here, so I would recommend either that clock be set back, or that clock be set ahead. Preferably that clock set ahead which would then be on daylight savings time and we would be in unison and agreement in the chamber."

## MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 3, 1989

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5041,

SUBSTITUTE SENATE BILL NO. 5097,

SUBSTITUTE SENATE BILL NO. 5208,

SUBSTITUTE SENATE BILL NO. 5263,

SUBSTITUTE SENATE BILL NO. 5297,

SENATE BILL NO. 5370,

SENATE BILL NO. 5668,

SENATE BILL NO. 5771, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

SUBSTITUTE SENATE BILL NO. 5041,

SUBSTITUTE SENATE BILL NO. 5097,

SUBSTITUTE SENATE BILL NO. 5208,

SUBSTITUTE SENATE BILL NO. 5263,

SUBSTITUTE SENATE BILL NO. 5297,

SENATE BILL NO. 5370,

SENATE BILL NO. 5668,

SENATE BILL NO. 5771.

## MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:03 p.m. by President Pritchard.

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

## MOTION

On motion of Senator Anderson, Senator Craswell was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9087, Paul Hirai, as a member of the Board of Trustees for the Big Bend Community College District No. 18, was confirmed.

## APPOINTMENT OF PAUL HIRAI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Fleming - 1.

Excused: Senators Craswell, DeJarnatt - 2.

## SECOND READING

HOUSE BILL NO. 2158, by Representatives Rasmussen, Schoon, H. Sommers, Locke, P. King, Wineberry, Winsley, Ferguson, Heavey, Fraser and Vekich

Including comprehensive cancer center in the definition of a health care facility.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2158.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2158 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Fleming, Owen - 2.

Excused: Senators Craswell, DeJarnatt - 2.

HOUSE BILL NO. 2158, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1208, by Committee on Commerce and Labor/Appropriations (originally sponsored by Representatives Cole, Patrick, R. King, Walker, Jones and Anderson)

Requiring certification of court reporters.

The bill was read the second time.

## MOTIONS

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds it necessary to regulate the practice of shorthand reporting or court reporting at the level of certification to protect the public safety and well-being. The legislature intends that only individuals who meet and maintain minimum standards of competence may represent themselves as shorthand or court reporters.

**NEW SECTION.** Sec. 2. (1) No person may represent himself or herself as a shorthand reporter or a court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a shorthand reporter or court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: "Shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter."

**NEW SECTION.** Sec. 3. The "practice of shorthand reporting or court reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding.

**NEW SECTION.** Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

(2) "Director" means the director of licensing.

(3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.

(4) "Board" means the Washington state shorthand reporter advisory board.

**NEW SECTION.** Sec. 5. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(2) The practice of shorthand reporting by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States;

(3) Nothing in this chapter shall be construed to prohibit the introduction of alternate technology.

**NEW SECTION.** Sec. 6. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;

(2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;

(3) Establish the forms and procedures necessary to administer this chapter;

(4) Issue a certificate to any applicant who has met the requirements for certification;

(5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;

(7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(8) Maintain the official departmental record of all applicants and certificate holders;

(9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;

(10) Prepare and administer or approve the preparation and administration of examinations for certification;

(11) Establish by rule the procedures for an appeal of a failure of an examination;

(12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification.

**NEW SECTION.** Sec. 7. (1) The state shorthand reporters advisory board is established to advise the director concerning the administration of this chapter. The board shall consist of five members appointed by the director. Three members of the board shall be certified shorthand reporters, except for the initial members of the board, two of whom shall be freelance shorthand reporters and one a court-employed shorthand reporter, each engaged in the continuous practice of shorthand reporting for at least five years preceding appointment. Two members of the board shall be unaffiliated with the profession. One shall be a current member of the state bar association or state judiciary, the other shall be a public member. The term of office for board members is four years, except the terms of the first board members shall be staggered to ensure an orderly succession of new board members. The director may remove a board member for misconduct, incompetency, or neglect of duty as specified by rule. Upon the death, resignation, or removal of a member, the director shall appoint a new member to fill a

vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

(2) Board members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall annually elect a chairperson and vice-chairperson to direct the meetings of the board. The board shall meet at least once each year, at times and locations determined by the director. A simple majority of the board members currently serving constitutes a quorum of the board.

(4) Upon receipt of complaints against shorthand reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. At the discretion of the director, individual board members may participate in or conduct investigations or evaluations of investigation reports and make recommendations regarding further action. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 8. The director, members of the board, and individuals acting on their behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

NEW SECTION. Sec. 9. (1) The department shall issue a certificate to any applicant who, as determined by the director upon advice of the board, has:

(a) Successfully completed an examination approved by the director;

(b) Good moral character;

(c) Not engaged in unprofessional conduct; and

(d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. Sec. 10. Applications for certification shall be submitted on forms provided by the department. The department may require information and documentation to determine whether the applicant meets the criteria for certification as provided in this chapter. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 11. The director shall establish by rule the requirements and the renewal and late renewal fees for certification. Failure to renew the certificate on or before the expiration date cancels all privileges granted by the certificate. If an individual desires to reinstate a certificate which had not been renewed for three years or more, the individual shall satisfactorily demonstrate continued competence in conformance with standards determined by the director.

NEW SECTION. Sec. 12. Persons with two or more years' experience in shorthand reporting in Washington state as of the effective date of this act shall be granted a shorthand reporters certificate without examination, if application is made within one year of the effective date of this act. Shorthand reporters with less than two years' experience in shorthand reporting in this state as of the effective date of this act shall be granted a temporary certificate for one year. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under section 9 of this act within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

NEW SECTION. Sec. 13. After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

(1) Revocation of the certification;

(2) Suspension of the certificate for a fixed or indefinite term;

(3) Restriction or limitation of the practice;

(4) Requiring the satisfactory completion of a specific program or remedial education;

(5) The monitoring of the practice by a supervisor approved by the director;

(6) Censure or reprimand;

(7) Compliance with conditions or probation for a designated period of time;

(8) Denial of the certification request;

(9) Corrective action;

(10) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant.

**NEW SECTION.** Sec. 14. The following conduct, acts, or conditions constitute unprofessional conduct for any certificate holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of shorthand reporting, whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action;

(2) Misrepresentation or concealment of a material fact in obtaining or in seeking reinstatement of a certificate;

(3) Advertising in a false, fraudulent, or misleading manner;

(4) Incompetence or negligence;

(5) Suspension, revocation, or restriction of the individual's certificate, registration, or license to practice shorthand reporting by a regulatory authority in any state, federal, or foreign jurisdiction;

(6) Violation of any state or federal statute or administrative rule regulating the profession;

(7) Failure to cooperate in an inquiry, investigation, or disciplinary action by:

(a) Not furnishing papers or documents;

(b) Not furnishing in writing a full and complete explanation of the matter contained in the complaint filed with the director;

(c) Not responding to subpoenas issued by the director, regardless of whether the recipient of the subpoena is the accused in the proceeding;

(8) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(9) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(10) Conviction of any gross misdemeanor or felony relating to the practice of the profession. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

**NEW SECTION.** Sec. 15. This chapter may be known and cited as the shorthand reporting practice act.

**NEW SECTION.** Sec. 16. This act shall take effect September 1, 1989 except that the director may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

**NEW SECTION.** Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 18 RCW.

**NEW SECTION.** Sec. 19. The sum of forty-eight thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1991, to carry out the purposes of this act. The amount spent shall be repaid to the general fund from fees imposed as a result of this act prior to the end of the biennium ending June 30, 1993."

On motion of Senator Lee, the following amendment to the Committee on Economic Development and Labor amendment was adopted:

On page 7, line 28, of the striking amendment, after "shall be" insert "no more difficult than"

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor striking amendment, as amended, to Substitute House Bill No. 1208.

The motion by Senator Lee carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "reporters;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date."

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1208, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Lee, I have two questions, I guess. I'm a supporter of the bill, but I wanted to make sure, first of all that there's nothing in this bill that purports to preclude the use of any technological innovations in shorthand reporting so that to have an inability to use say electronic recording or any other changes that might be available in the future for reporting depositions on law suits."

Senator Lee: "Senator Talmadge, that was a question that was also asked within the committee and the answer that was given was that 'no' it does not prohibit any adjunct kind of recording. It does not however, as far as I can tell, say that you can do away with the shorthand reporter, but adjunct reporting is, in fact, in many cases beneficial."

Senator Talmadge: "One further question if I could, Senator. There is also a problem in practical experience with shorthand reporters, that the transcripts that are produced by shorthand reporters, deposition transcripts or lawsuit transcripts, can sometimes cost three, three and a half, four dollars a page, or more, in some instances, to transcribe and that cost is passed on to the clients by the lawyers. Is there anything in this legislation that would permit arbitration with respect to fees or some effort on the part of this board to examine the fee structure that may be charged by shorthand reporters?"

Senator Lee: "No, Senator Talmadge, because this only addresses itself to the Department of Licensing and not to what would be any kind of negotiation with the court itself. It would have to be another portion of the RCWs to do that."

Senator Talmadge: "Thank you. Perhaps, we can work on that fee issue a little bit later."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1208, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1208, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Barr, Hansen - 2.

Excused: Senators Craswell, DeJarmatt - 2.

SUBSTITUTE HOUSE BILL NO. 1208, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1117, by Representatives Patrick, Vekich, R. King, Sayan, Winsley and McLean (by request of Department of Labor and Industries)

Changing conditions for workers' compensation insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 1117 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1117.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1117 and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Talmadge, Thorsness, von Reichbauer, West - 31.

Voting nay: Senators Fleming, Gaspard, Kreidler, Madsen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Vognild, Warnke, Williams, Wojahn - 16.

Excused: Senators Craswell, DeJarnatt - 2.

HOUSE BILL NO. 1117, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1547, by Committee on Judiciary (originally sponsored by Representatives Schmidt, Appelwick, Moyer, Brough, Van Luven and Schoon) (by request of Department of Social and Health Services)

Providing for medical support enforcement.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 201, Laws of 1984 as amended by section 1, chapter 108, Laws of 1985 and RCW 26.09.105 are each amended to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage except as provided in subsection (2) of this section, for any (~~dependent child if the following conditions are met:~~

~~(1) Health insurance)) child named in the order if: (a) Coverage that can be extended to cover the child is or becomes available to that parent through ((an employer or other organization; and~~

~~(2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child); and~~

~~(b) The cost of such coverage does not exceed twenty-five percent of the obligated parent's basic child support obligation.~~

~~(2) The court shall consider the best interests of the child and have discretion to order health insurance coverage when entering or modifying a support order under this chapter if the cost of such coverage exceeds twenty-five percent of the obligated parent's basic support obligation.~~

~~(3) The parents shall maintain such coverage required under this section until:~~

~~(a) Further order of the court;~~

~~(b) The child is emancipated, if there is no express language to the contrary in the order;~~

or

~~(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.~~

~~(4) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.~~

~~(5) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of d.2154 ((medical)) uninsured health expenses, ((medical)) health care costs, or insurance premiums which are in addition to and not inconsistent with this section. ((Health insurance as used in this section does not include medical assistance provided under chapter 74.09 RCW.))~~

~~(6) A parent ordered to provide health insurance coverage shall provide proof of such coverage within twenty days of the entry of the order, or within twenty days of the date such coverage becomes available, to:~~

~~(a) The physical custodian; or~~

~~(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.~~

~~(7) Every order requiring a parent to provide health care or insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.~~

(8) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

Sec. 2. Section 2, chapter 260, Laws of 1984 as amended by section 17, chapter 435, Laws of 1987 and RCW 26.18.020 are each amended to read as follows:

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

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including spousal maintenance, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(3) "Obligee" means the custodian of a dependent child, or person or agency, to whom a duty of support is owed, or the person or agency to whom the right to receive or collect support has been assigned.

(4) "Obligor" means the person owing a duty of support.

(5) "Support order" means any judgment, decree, or order of support issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(6) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings to the obligor.

(7) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(8) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(9) "Department" means the department of social and health services.

(10) "Health insurance coverage" includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

(11) "Insurer" means a commercial insurance company providing disability insurance under chapter 48.20 or 48.21 RCW, a health care service contractor providing health care coverage under chapter 48.44 RCW, a health maintenance organization providing comprehensive health care services under chapter 48.46 RCW, and shall also include any employer or union which is providing health insurance coverage on a self-insured basis.

Sec. 3. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 275, Laws of 1988 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) or (5) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:



(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

((6)) (7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the adopted child support schedule. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances.

NEW SECTION. Sec. 4. A new section is added to chapter 26.26 RCW to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage within twenty days of the entry of the order, or within twenty days of the date such coverage becomes available, to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 26.18 RCW to read as follows:

(1) Whenever an obligor parent who has been ordered to provide health insurance coverage for a dependent child fails to provide such coverage or lets it lapse, the department or the obligee may seek enforcement of the coverage order as provided under this section.

(2)(a) If the obligor parent's order to provide health insurance coverage contains language notifying the obligor that failure to provide such coverage may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the obligor, send a notice of enrollment to the obligor's employer or union by certified mail, return receipt requested.

The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection (3) of this section.

(b) If the obligor parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(i) The obligee may, without further notice to the obligor send a certified copy of the order requiring health insurance coverage to the obligor's employer or union by certified mail, return receipt requested; and

(ii) The obligee shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection (3) of this section.

(3) Upon receipt of an order that provides for health insurance coverage, or a notice of enrollment:

(a) The obligor's employer or union shall answer the party who sent the order or notice within thirty-five days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled in the next open enrollment period; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the obligor's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the obligor's plan. If the obligor's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the obligor parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or insurer and the extent of coverage available to the obligee or the department and shall make available any necessary claim forms or enrollment membership cards.

(4) If the order for coverage contains no language notifying the obligor that failure to provide health insurance coverage may result in direct enforcement of the order, the department

or the obligee may serve a written notice of intent to enforce the order on the obligor by certified mail, return receipt requested, or by personal service. If the obligor fails to provide written proof that such coverage has been obtained or applied for within twenty days of service of the notice, or within twenty days of coverage becoming available the department or the obligee may proceed to enforce the order directly as provided in subsection (2) of this section.

(5) If the obligor ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the obligee may serve a written notice of intent to purchase health insurance coverage on the obligor by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

(6) If the department serves a notice under subsection (5) of this section the obligor shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligor has either applied for, or obtained, coverage accessible to the child.

(7) If the obligee serves a notice under subsection (5) of this section, within twenty days of the date of service the obligor shall provide written proof to the obligee that the obligor has either applied for, or obtained, coverage accessible to the child.

(8) If the obligor fails to respond to a notice served under subsection (5) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly. The amount of the monthly premium shall be added to the support debt and be collectible without further notice. The amount of the monthly premium may be collected or accrued until the obligor provides proof of the required coverage.

(9) The signature of the obligee or of a department employee shall be a valid authorization to the coverage provider or insurer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the obligee or to the child's health services provider, and in any claim against the coverage provider or insurer, the obligee or the obligee's assignee shall be subrogated to the rights of the obligor. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the obligee at the obligee's last known address within thirty days of the termination date.

(10) This section shall not be construed to limit the right of the obligor or the obligee to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

(11) Nothing in this section shall be construed to require a health maintenance organization, or health care service contractor, to extend coverage to a child who resides outside its service area.

NEW SECTION, Sec. 6. A new section is added to chapter 74.20A RCW to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require the responsible parent to maintain or provide health insurance coverage for any dependent child as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage to the department within twenty days of the entry of the order, or within fifteen days of the date such coverage becomes available.

(4) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

NEW SECTION, Sec. 7. A new section is added to chapter 74.20A RCW to read as follows:

In furtherance of the policy of the state to cooperate with the federal government in the administration of the child support enforcement program, the department may adopt such rules and regulations as may become necessary to entitle the state to participate in federal funds, unless such rules would be expressly prohibited by law. Any section or provision of law dealing with the child support program which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling the state to receive federal funds. If any law dealing with the child support enforcement program is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds, such conflicting law is declared to be inoperative solely to the extent of the conflict.

Sec. 8. Section 5, chapter 435, Laws of 1987 and RCW 26.23.050 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation((:));

(a) A provision which orders and directs that the responsible parent ((to)) make all support payments to the Washington state support registry((-or the person entitled to receive the payments if the parties agree to an alternate payment plan and the court finds that the alternate payment plan includes reasonable assurances that payments will be made in a regular and timely manner. The superior court shall also include));

(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((- if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month. If the court approves an alternate payment plan, the order shall include)); and

(c) A statement that the order may be submitted to the Washington state support registry for enforcement;

(i) If a support payment is ((more than fifteen days past due in)) not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of the court order for orders entered by the court on or after July 1, 1990.

(2)(a) For orders entered on or after July 1, 1990, the court may approve an alternate payment plan and order the responsible parent to make payments directly to the person entitled to receive the payments or direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner.

(b) If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due.

(c) If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due.

(d) The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent((:));

(a) For an order entered prior to July 1, 1990, if a support payment is ((more than fifteen days past due in)) not paid when due and an amount equal to or greater than the support payable for one month; or

(b) For orders entered on or after July 1, 1990, at any time after entry of the order.

((3)) (4) If the support order does not include the ((provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due.)) notice required under subsection (1) of this section the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

((4)) (5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((:));

(i) If a support payment is ((more than fifteen days past due in)) not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of the order for orders entered on or after July 1, 1990, unless the court approves an alternate payment plan under subsection (2) of this section;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the ((custodial parent)) physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children; ~~((and))~~

(i) That the parties are to notify the Washington state support registry of any change in residence address;

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage.

~~((5))~~ (6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

~~((6))~~ (8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20A.040.

~~((7))~~ (9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), (2), or (3) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

NEW SECTION. Sec. 9. A new section is added to chapter 26.18 RCW to read as follows:

(1) An obligated parent's employer or union shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within thirty-five days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the obligated parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

Sec. 10. Section 10, chapter 260, Laws of 1984 as amended by section 20, chapter 435, Laws of 1987 and RCW 26.18.100 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON IN AND FOR THE COUNTY OF

.....  
Obligee  
vs.  
.....  
Obligor  
.....  
Employer

No. ....  
  
WAGE ASSIGNMENT  
ORDER

THE STATE OF WASHINGTON TO: .....

Employer

AND TO: .....

Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is ..... dollars, the amount of arrearage payments specified in the support order (if applicable) is ..... dollars per ..... and the amount of the current and continuing support obligation under the support order is ..... dollars per .....

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the accrued support debt and the current support obligation;

(b) The sum of the specified arrearage payment amount and the current support obligation; or

(c) Fifty percent of the disposable earnings of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; or

(b) The Washington state support registry, office of support enforcement that the accrued child support debt has been paid.

You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you.

You shall deliver the withheld earnings to the Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS ... day of .... 19 .....

Obligee,  
or obligee's attorney

Judge/Court Commissioner

Sec. 11, Section 11, chapter 260, Laws of 1984 as amended by section 21, chapter 435, Laws of 1987 and RCW 26.18.110 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; or

(b) The Washington state support registry that the accrued child support debt has been paid, provided the wage assignment order contains the language set forth under RCW 26.18.100(2)(b). The employer shall promptly notify the Washington state support registry when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable for the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer may combine amounts withheld from various employees into a single payment to the Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.020, 26.09.170, 26.23.050, 26.18.100, and 26.18.110; adding a new section to chapter 26.26 RCW; adding new sections to chapter 26.18 RCW; adding new sections to chapter 74.20A RCW; and declaring an emergency."

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1547, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1547, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1547, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, DeJarnatt - 2.

SUBSTITUTE HOUSE BILL NO. 1547, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5524, by Senators Bailey, Rinehart, Lee, Gaspard, Smith, Bluechel, Johnson, Barr, Amondson, Pullen, Nelson, Moore, Craswell, Sellar, Anderson, West, Rasmussen, Metcalf, Fleming, Benitz, Patterson, Newhouse, Murray, Stratton, Bauer, Vognild, Warnke, Wojahn, Kreidler, McMullen, Smitherman, Williams, DeJarnatt, McCaslin and Thorsness (by request of Superintendent of Public Instruction)

Providing local education enhancement program funds.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5524 was substituted for Senate Bill No. 5524 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5524 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rinehart: "Senator Bailey, could you tell me the amount that was appropriated in the original block grant bill?"

Senator Bailey: "I believe it was fifty-six million dollars."

Senator Rinehart: "And the amount that is appropriated with this bill?"

Senator Bailey: "I believe that final appropriation is very near that figure. I don't have the exact figure, but almost that figure."

Senator Rinehart: "And that is in the budget?"

Senator Bailey: "It's in the budget. We have fully funded in the Senate budget, the Block Grant Program."

Senator Rinehart: "Thank you, Senator Bailey."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5524.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCastin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Hansen, Matson, Owen - 3.

Excused: Senators Craswell, DeJarnatt - 2.

SUBSTITUTE SENATE BILL NO. 5524, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369, by Committee on Environmental Affairs (originally sponsored by Representatives Brough and Rust)

Promoting improvements of waterfront sewer systems.

The bill was read the second time.

## MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendments be considered simultaneously and not be adopted:

On page 2, line 3, after the first "mg/l" strike "BODS, and" and insert "BOD5."

On page 2, line 4, after "solids" insert ", and (3) less than 200 MPN/ml fecal coliform bacteria"

On page 2, line 6, after the period, insert "Residences expanded under this act shall use low-flow plumbing fixtures."

On page 2, line 30, after "(2)" strike "This" and insert "Section 2 of this"

On page 2, line 33, beginning with "If" strike everything down to and including "1990." on line 36 and insert "Not later than January 1, 1990, the state board of health shall adopt nutrient loading standards for systems allowed under this act in all areas the board finds nutrients to be a threat to public health or shellfish resources."

On page 2, after line 36, insert a new section as follows:

**"NEW SECTION, Sec. 4.** The house committee on environmental affairs and the senate committee on environment and natural resources shall investigate on-site sewage regulation and practices in the state including, but not limited to ways to ensure long term maintenance and operation of these systems and report to their respective houses at the 1990 session of the Washington state legislature."

Debate ensued.

#### POINT OF INQUIRY

Senator Bluechel: "Senator Metcalf, does this still allow the usage of new technology in the septic tanks systems that is driven by objective standards such as quantities of pollutants, and things like that?"

Senator Metcalf: "It is my understanding that it encourages it, yes."

Senator Bluechel: "It encourages it. It doesn't in any way restrict it from what the original bill did?"

Senator Metcalf: "No, not to my understanding. That was part of the problem the people had with the bill, which they do not have anymore."

The President declared the question before the Senate to be the motion by Senator Metcalf that the Committee on Environment and Natural Resources amendments on page 2, lines 3, 4, 6, 30, 33 and after 36, to Engrossed Substitute House Bill No. 1369 be not adopted.

The motion by Senator Metcalf carried and the committee amendments were not adopted.

#### MOTIONS

On motion of Senator Metcalf, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 70.118 RCW to read as follows:

The legislature finds that:

(1) Many saltwater-front lots were developed without adequate means of sewage disposal;

(2) Installation of community sewers is not practical in many of these areas;

(3) Many of these homes are being expanded, remodeled, or rebuilt in violation of the building code; and

(4) These sewer systems are polluting the waters of the state.

The legislature further finds that modern technology has developed effective ways to treat the sewage from these residences in order to protect against significant health hazards and water quality degradation.

It is the intent of the legislature to allow the owners of single-family saltwater-front residences to replace inadequate on-site sewage treatment facilities with modern effective systems. It is also the intent of the legislature to provide incentives for these homeowners to upgrade their sewage disposal systems by allowing these homes to be remodeled, rebuilt, or expanded.

NEW SECTION, Sec. 2. A new section is added to chapter 70.118 RCW to read as follows:

The owners of single-family residences that were legally occupied prior to June 9, 1988, and that are on property adjacent to marine waters or discharge untreated sewage directly into marine waters, who repair or replace an existing on-site sewage disposal system so that the system achieves a thirty-day average effluent quality of: (1) Less than 10 mg/l BOD<sub>5</sub>, and (2) less than 10 mg/l total suspended solids, and (3) less than 200 MPN/100 ml fecal coliform bacteria may remodel, expand, or replace the single-family residence. This standard must be met prior to discharge of the effluent below the surface of the ground. Residences expanded under this section shall use low-flow plumbing fixtures. Not later than January 1, 1990, the state board of health shall adopt such minimum nutrient loading standards for systems allowed under this section as the board finds necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources.

If the department of social and health services finds that more restrictive standards are necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources, the department may propose rules for adoption by the state board of health identifying the standards necessary for implementing its finding. The department may also identify the geographic areas where it is necessary to implement the more restrictive standards. In addition, the department may propose standards for the design, construction, maintenance, and monitoring of sewage disposal systems.

NEW SECTION, Sec. 3. A new section is added to chapter 70.118 RCW to read as follows:

If the legislative authority of a county or city finds that more restrictive standards than those contained in section 2 of this act or those adopted by the state board of health for systems allowed under section 2 of this act or limitations on expansion of a residence are necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources, the legislative authority may adopt ordinances or resolutions setting standards as they may find necessary for implementing their findings. The legislative authority may identify the geographic areas where it is necessary to



implement the more restrictive standards. In addition, the legislative authority may adopt standards for the design, construction, maintenance, and monitoring of sewage disposal systems.

**NEW SECTION, Sec. 4.** (1) Except as provided in subsection (2) of this section, this act shall take effect November 1, 1989.

(2) Section 2 of this act shall not take effect if the state board of health adopts standards for the replacement and repair of existing on-site sewage disposal systems located on property adjacent to marine waters by October 31, 1989.

**NEW SECTION, Sec. 5.** The house of representatives committee on environmental affairs and the senate committee on environment and natural resources shall investigate on-site sewage regulation and practices in the state including, but not limited to, ways to ensure long-term maintenance and operation of these systems and report to their respective houses at the 1990 session of the Washington state legislature.\*

On motion of Senator Metcalf the following title amendment was adopted:

On line 1 of the title, after "systems;" strike the remainder of the title and insert "adding new sections to chapter 70.118 RCW; creating a new section; and providing an effective date."

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1369, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Smitherman: "Senator Metcalf, does anything in Engrossed Substitute House Bill No. 1369 prevent a health department from withholding enforcement action on a failing on-site system while residents are actively pursuing a community sewer system?"

Senator Metcalf: "No, Senator Smitherman, this act does not speak to that issue at all, but it only makes sense for a health department to hold off on requiring expensive improvements in a system that is about to be replaced."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1369, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1369, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Talmadge, Vogniold - 2.

Excused: Senators Craswell, DeJarnatt - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1253, by Representatives Prentice, G. Fisher, Wood, Rasmussen, Day, Leonard and Wineberry (by request of Department of Licensing)

Changing provisions regarding nursing assistants.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following amendment by Senators West and Kreidler was adopted:

On page 2, after line 35, insert the following:

"Sec. 3. Section 1, chapter 267, Laws of 1988 and RCW 18.52B.010 are each amended to read as follows:

The legislature takes special note of the contributions made by nursing assistants in (~~nursing homes~~) health care facilities whose tasks are arduous and whose working conditions may

be contributing to the high and often critical turnover among the principal cadre of health care workers who provide for the basic needs of (~~long-term care~~) patients. The legislature also recognizes the growing shortage of nurses (~~in long-term care~~) as the proportion of the elderly population grows and as the acuity of patients in hospitals and nursing homes becomes generally more severe.

The legislature finds and declares that occupational nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement. The establishment of such a system should bring about a more stabilized work force in (~~the nursing home setting~~) health care facilities, as well as provide a valuable resource for recruitment into licensed nursing practice.

The legislature declares that the registration of nursing assistants and providing for voluntary certification of those who wish to seek higher levels of qualification is in the interest of the public health, safety, and welfare.

Sec. 4. Section 2, chapter 267, Laws of 1988 and RCW 18.52B.020 are each amended to read as follows:

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

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing or the director's designee.
- (3) "Board" means the Washington state board of nursing.
- (4) "Nursing assistant--certified" means an individual certified under this chapter.
- (5) "Nursing assistant--registered" means an individual registered under this chapter.
- (6) "Committee" means the Washington state nursing assistant advisory committee.
- (7) "Certification program" means an educational program approved by the superintendent of public instruction or the state board for community college education in consultation with the board, and offered by or under the administration of an accredited educational institution, either at a school site or a (~~nursing home~~) health care facility site. A program shall be offered at or near a (~~nursing home~~) health care facility site only if the (~~nursing home~~) health care facility can provide adequate classroom and clinical facilities.

(8) (~~"Registration program" means a nursing assistant training program as defined under chapter 18.52A RCW.~~

(9) (~~"Nursing home" means a facility licensed under chapter 18.51 RCW~~) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, or other entity for delivery of health care services.

Sec. 5. Section 3, chapter 267, Laws of 1988 and RCW 18.52B.030 are each amended to read as follows:

(1) A nursing assistant(~~registered~~) may assist in the care of patients under the direction and supervision of a licensed (registered) nurse or licensed practical nurse, provided that a (~~nursing home~~) health care facility shall not assign an assistant to provide (~~resident~~) patient care until the assistant has demonstrated skill necessary to perform assigned duties and responsibilities competently. Nothing in this chapter shall be construed as conferring on a nursing assistant the authority to administer medication or to practice as a licensed (registered) nurse or licensed practical nurse.

(2) A nursing assistant--certified may assist in the care of the ill, injured, or infirm under the direction and supervision of a licensed (registered) nurse or licensed practical nurse except that a nursing assistant--certified may not administer medication or practice as a licensed (registered) nurse as defined in chapter 18.88 RCW or licensed practical nurse as defined in chapter 18.78 RCW.

(~~3) The board may further define by rule the scope of practice and minimum competencies of nursing assistants--certified in consultation with the nursing assistant advisory committee.~~)

Sec. 6. Section 4, chapter 267, Laws of 1988 and RCW 18.52B.040 are each amended to read as follows:

(1) No person may practice or represent himself or herself as a nursing assistant(~~registered~~) by use of any title or description without being registered by the department pursuant to this chapter, unless exempt under RCW 18.52B.050.

(2) After January 1, 1990, no person may represent himself or herself as a nursing assistant--certified without applying for certification, meeting the qualifications, and being certified by the department pursuant to this chapter.

Sec. 7. Section 6, chapter 267, Laws of 1988 and RCW 18.52B.060 are each amended to read as follows:

In addition to any other authority provided by law, the director has the authority to:

(1) Set all certification, registration, and renewal fees in accordance with RCW 43.24.086 and to collect and deposit all such fees in the health professions account established under RCW 43.24.072;

(2) Establish forms and procedures necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a registration to any applicant who has met the requirements for registration;

(5) After January 1, 1990, issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(6) Maintain the official record for the department of all applicants and persons with registrations and certificates;

(7) Conduct a hearing on an appeal of a denial of a registration or a certificate based on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted under chapter ~~((34-04))~~ 34.05 RCW;

(8) Issue subpoenas, statements of charges, statements of intent to deny certification, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certification.

The uniform disciplinary act, chapter 18.130 RCW, governs unregistered or uncertified practice, issuance of certificates and registration, and the discipline of persons registered or with certificates under this chapter. The director shall be the disciplinary authority under this chapter.

Sec. 8. Section 7, chapter 267, Laws of 1988 and RCW 18.52B.070 are each amended to read as follows:

In addition to any other authority provided by law, the state board of nursing has the authority to:

(1) Determine minimum education requirements and approve ~~((registration))~~ certification programs ~~((according to chapter 18.52A RCW))~~;

(2) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations of training and competency for applicants for certification;

(3) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination for certification;

~~((5))~~ (4) Define and approve any experience requirement for certification;

~~((6))~~ (5) Adopt rules implementing a continuing competency evaluation program;

~~(6)~~ Adopt rules to enable it to carry into effect the provisions of this chapter.

Sec. 9. Section 9, chapter 267, Laws of 1988 and RCW 18.52B.090 are each amended to read as follows:

(1) The director has the authority to appoint an advisory committee to the state board of nursing and the department to further the purposes of this chapter. The committee shall be composed of ten members, two members initially appointed for a term of one year, three for a term of two years, and four for a term of three years. Subsequent appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. The committee shall consist of: A nursing assistant certified under this chapter, a ~~((director of nursing in a))~~ representative of nursing homes, a representative of the office of the superintendent of public instruction, a representative of the state board of community college education, a representative of the department of social and health services responsible for aging and adult services in nursing homes, a consumer of nursing assistant services who shall not be or have been a member of any other licensing board or committee; nor a licensee of any health occupation board, an employee of any health care facility, nor derive primary livelihood from the provision of health services at any level of responsibility, ((a resident of a nursing home.)) a representative of ~~((a local long-term care ombudsman program))~~ an acute care hospital, a representative of home health care, and one member who is a licensed (registered) nurse and one member who is a licensed practical nurse.

(2) The director may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the director shall appoint a person to serve for the remainder of the unexpired term.

(3) The advisory committee shall meet at the times and places designated by the director or the board and shall hold meetings during the year as necessary to provide advice to the director.

Sec. 10. Section 10, chapter 267, Laws of 1988 and RCW 18.52B.100 are each amended to read as follows:

(1) The director shall issue a registration to any applicant who submits, on forms provided by the director, the applicant's name, address, ~~((occupational title, name and location of business.))~~ and other information as determined by the director, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) After January 1, 1990, the director shall issue a certificate to any applicant who demonstrates to the director's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the board or successful completion of alternate training meeting established criteria approved by the board;

(b) Successful completion of an approved examination; and

(c) Successful completion of any experience requirement established by the board.

~~((4))~~ (3) In addition, applicants shall be subject to the grounds for denial of registration or certificate under chapter 18.130 RCW.

Sec. 11. Section 13, chapter 267, Laws of 1988 and RCW 18.52B.130 are each amended to read as follows:

(1) The date and location of examinations shall be established by the director. Applicants who have been found by the director to meet the requirements for certification shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The board shall examine each applicant, by ~~((means determined most effective, on subjects appropriate to the scope of practice, as applicable))~~ a written or oral and a manual component of competency evaluation. Examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of ~~((any practical work))~~ skills demonstration shall be preserved for a period of not less than one year after the board has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the director under RCW 43.24.086 for each subsequent examination. Upon failing four examinations, the director may invalidate the original application and require such remedial education before the person may take future examinations.

(5) The board may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

Sec. 12. Section 15, chapter 267, Laws of 1988 and RCW 18.52B.140 are each amended to read as follows:

The director shall waive the competency examination and certify a person authorized to practice within the state of Washington if the board determines that the person meets commonly accepted standards of education and experience for the ~~((profession))~~ nursing assistants. This section applies only to those individuals who file an application for waiver within one year of the establishment of the authorized practice on January 1, 1990.

Sec. 13. Section 2, chapter 114, Laws of 1979 as last amended by section 19, chapter 267, Laws of 1988 and RCW 18.52A.020 are each amended to read as follows:

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

(1) "Nursing assistant" means a person registered or certified under chapter ~~((18.52B))~~ 18.88A RCW (as recodified by section 15 of this act) who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the care of patients in a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(2) "Department" means the department of social and health services.

(3) "Nursing home" means a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(4) "Board" means the state board of nursing.

Sec. 14. Section 21, chapter 267, Laws of 1988 and section 12, chapter 277, Laws of 1988 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home

administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; oculists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter ~~((18-52B))~~ 18.88A RCW (as recodified by section 15 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

NEW SECTION. Sec. 15. RCW 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, and 18.52B.140 are each recodified as a new chapter in Title 18 RCW to be designated as chapter 18.88A RCW as well as chapter 267, Laws of 1988."

Renumber the remaining section consecutively.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistants;" strike the remainder of the title and insert "amending RCW 18.52A.030, 18.52A.040, 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, and 18.52B.140; reenacting and amending RCW 18.120.020; recodifying RCW 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, 18.52B.140, and 18.52A.020; and repealing RCW 18.52A.060."

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1253, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1253, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1253, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thornness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Patterson - 1.

Excused: Senators Craswell, DeJarnatt - 2.

HOUSE BILL NO. 1253, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1548, by Committee on Judiciary (originally sponsored by Representatives H. Myers, Appelwick, Moyer, Brough and Sprengle) (by request of Department of Social and Health Services)

Changing requirements for establishing paternity.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1548 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1548.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1548 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thornness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, DeJarnatt - 2.

SUBSTITUTE HOUSE BILL NO. 1548, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1258, by Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Insee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

Making assaults on law enforcement personnel third degree assault.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 28, after "assault" strike all material down to the period on page 2, line 3

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "amending RCW 9A.36.031; and prescribing penalties."

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1258, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1258, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1258, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, DeJarnatt - 2.

ENGROSSED HOUSE BILL NO. 1258, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2012, by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cantwell, Wolfe, Nealey and Phillips)

Regulating port district land improvement.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 65, Laws of 1955 as last amended by section 1, chapter 54, Laws of 1972 ex. sess. and RCW 53.08.040 are each amended to read as follows:

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands (~~for sale or lease~~) for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities: PROVIDED, That no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port: AND PROVIDED FURTHER, That no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities: PROVIDED, HOWEVER, That where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

Sec. 2. Section 9, chapter 65, Laws of 1955 as last amended by section 1, chapter 64, Laws of 1983 and RCW 53.08.080 are each amended to read as follows:

A district may lease all lands, wharves, docks and real and personal property owned and controlled by it, for such purposes and upon such terms as the port commission deems proper: PROVIDED, That no lease shall be for a period longer than fifty years with option for extensions for up to an additional thirty years, except where the property involved is or is to be devoted to airport purposes the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: PROVIDED FURTHER, That where the property is held by the district under lease from the United States government or the state of Washington, or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the total term and extensions thereof permitted by such lease, but in any event not to exceed ninety years."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "land;" strike the remainder of the title and insert "and amending RCW 53.08.040 and 53.08.080."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2012, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2012, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2012, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senators Madsen, Metcalf, Moore, Pullen, Wojahn - 5.

Excused: Senators Craswell, DeJarnatt - 2.

SUBSTITUTE HOUSE BILL NO. 2012, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Newhouse, Substitute House Bill No. 1964, which was on the second reading calendar, was referred to the Committee on Rules.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1414 and the pending striking amendment by Senators Hayner and Niemi, deferred early today after the amendment by Senator Rasmussen to the striking amendment was withdrawn.

#### MOTION

Senator Vognild moved that the following amendment to the amendment be adopted:

On page 2, line 3 of the striking amendment, after "system," strike everything through and including "committee," on line 10 and insert "The legislature shall appropriate the funds in the account for the purposes of the judicial information system."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 2, line 3, to the striking amendment to Substitute House Bill No. 1414.

Debate ensued.

The motion by Senator Vognild carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hayner and Niemi, as amended, to Substitute House Bill No. 1414.



The striking amendment by Senators Hayner and Niemi, as amended, was adopted.

#### MOTIONS

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "and adding a new chapter to Title 2 RCW."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1414, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1414, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1414, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, DeJarnatt - 2.

SUBSTITUTE HOUSE BILL NO. 1414, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1454, by Representatives Todd, Patrick, Cantwell, Walk and P. King

Specifying ownership of transportation improvements in a transportation benefit district.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1454 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1454.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1454 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, DeJarnatt - 2.

ENGROSSED HOUSE BILL NO. 1454, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1467, by Representatives Baugher, Prince, Schmidt, Walk, Cantwell, Zellinsky, Day and Winsley (by request of Legislative Transportation Committee)

Creating the transportation capital facilities account.

The bill was read the second time.

## MOTIONS

On motion of Senator Nelson, the following amendments were considered simultaneously and were adopted:

On page 1, line 6, after "from" strike "property"

On page 1, line 7, after "involving" insert "capital"

On page 2, line 6, after "state" strike all material through "account" on line 9, and insert "department of transportation's construction management and support program-program D"

On motion of Senator Nelson, the rules were suspended, House Bill No. 1467, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1467, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1467, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Hayner, Smith - 2.

Excused: Senators Craswell, DeJarnatt - 2.

HOUSE BILL NO. 1467, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1468, by Representatives Ebersole, Betrozoff, R. Meyers, Holland, Bristow, Spanel, Wang, Kremen, Walker, May, Patrick, Miller, Ballard, Horn, D. Sommers, Youngsman, Ferguson, P. King, Pruitt and Basich

Increasing the number of recipients of awards for excellence in education.

The bill was read the second time.

## MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1468 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1468.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1468 and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Fleming, Hayner, Madsen, Smith - 4.

Excused: Senators Craswell, DeJarnatt - 2.

HOUSE BILL NO. 1468, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## REPORT OF STANDING COMMITTEE

April 3, 1989

SHB 1759 Prime Sponsor, Committee on Appropriations: Creating the educational staff diversification act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

## MOTION

At 4:00 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, April 5, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## EIGHTY-SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 5, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, DeJarnatt, Fleming, Talmadge, von Reichbauer and West. On motion of Senator Vognild, Senators DeJarnatt and Fleming were excused. On motion of Senator Anderson, Senators Amondson, von Reichbauer and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark Meier and Alan Meier, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9100, Edward E. Carlson, as a member of the Board of Regents for the University of Washington, was confirmed.

Senator Bauer spoke to the confirmation of Edward E. Carlson as a member of the Board of Regents for the University of Washington.

## APPOINTMENT OF EDWARD E. CARLSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, Warnke, Williams, Wojahn - 42.

Voting nay: Senator Metcalf - 1.

Absent: Senator Talmadge - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, von Reichbauer, West - 5.

## STATEMENT FOR THE JOURNAL

April 5, 1989

Mary Wiley  
Journal Clerk

Due to inclement weather, I was detained. I would have vote 'aye' on Gubernatorial Appointment No. 9100, the appointment of Edward E. Carlson to the Board of Regents of the University of Washington.

SENATOR PHIL TALMADGE,  
34th District

## SECOND READING

ENGROSSED HOUSE BILL NO. 1480, by Representatives Hankins, Sryan, R. Fisher, Belcher and Fraser (by request of Secretary of State)

Changing provisions relating to the productivity board.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1480 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1480.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, von Reichbauer, West - 4.

ENGROSSED HOUSE BILL NO. 1480, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Vognild was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1503, by Committee on Transportation (originally sponsored by Representatives Ebersole, Schmidt, Walk, Nelson, Jones, Zellinsky, R. Fisher, Beck, S. Wilson, Wang, Heavey, Brough, Schoon, Tate and P. King) (by request of Department of Transportation)

Relaxing bonding requirements on ferry contracts.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1503 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1503.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1503 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Vognild, von Reichbauer - 4.

SUBSTITUTE HOUSE BILL NO. 1503, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, Engrossed House Bill No. 1518, which was on the consent second reading calendar, was moved to the bottom of the regular second reading calendar.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1639, by Committee on Local Government (originally sponsored by Representatives Dorn, Ferguson, Cooper, R. Meyers, Haugen, Zellinsky and Rasmussen)

Regulating fire districts.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1639 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1639.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1639 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Vognild, von Reichbauer - 4.

SUBSTITUTE HOUSE BILL NO. 1639, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1651, by Committee on Local Government (originally sponsored by Representatives Baugher, Chandler, McLean, Grant, Kremen, Jesernig, Rayburn, Rasmussen, Nealey, Braddock, Holland, Haugen, Beck, Zellinsky, Schmidt, Dorn, Basich, Raiter, Betzoff, D. Sommers, Smith, Tate, Gallagher, Silver, Hargrove, Fuhrman, Day, Moyer, Hankins, Wood, Brooks, Walker, R. Meyers, Prince, Prentice, S. Wilson, Ebersole, Crane, Youngsman, May, Ballard, Brumsickle, Bowman, Winsley, Rector, Spanel and Inslée)

Authorizing counties, cities, and towns to elect to participate in state-wide flood plain management.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1651 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1651.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1651 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Patterson - 1.

Excused: Senators DeJarnatt, Fleming, Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 1651, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1658, by Committee on Judiciary (originally sponsored by Representatives Hargrove, Padden, Scott, Kremen, Brough, Bowman and P. King)

Modifying the term minor to mean anyone under the age of eighteen for purpose of the sexual exploitation of children statute.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1658 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1658.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1658 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalif, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1658, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1689, by Representatives Kremen, Gallagher and S. Wilson (by request of Department of Licensing)

Revising provisions for refund of licensing fees.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1689 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, would this bill take an amendment so you'd get the actual valuation on your car or truck or whatever?"

Senator Patterson: "I'm no parliamentarian, I'm not sure whether or not the bill has a title that would handle an amendment like that. I would suggest, Senator, that coming along later we have a bill that is going to totally change the evaluation system as it applies to our vehicles, which would put it on a staggered uniform reduction in the value based upon the original retail value, so you will always know what the value of your vehicle is and what the license tabs that you'll pay."

Senator Rasmussen: "Well, I'd hate to have to vote for a ten cent gas tax to get that change made. Is that all wrapped up in one?"

Senator Patterson: "Senator, the bill is a separate bill from the gas tax bill."

Further debate ensued.

## POINT OF INQUIRY

Senator Bauer: "Senator Patterson, if you recall--was it last year--that I was before your committee with a bill to forgive all of the over, or the under charges. I think that statistics showed that they were spending more money collecting the under charges than they were actually getting. If I recall the numbers, it cost them a million dollars or so to collect six hundred thousand dollars and I asked the

department, 'let's just forgive all those and save the state four hundred thousand. We could save money by forgiving them.' and they said, 'Oh, don't worry about it, come next year we're going to have this on-line computer statewide and all those agencies out in the community will be making no more mistakes and therefore we won't need it.' Now, are you telling us, that we're going to raise it to ten dollars now, so that we're going to have a larger cost of collection? Tell me about this computer that was going to be on-line, will you?"

Senator Patterson: "Senator, I'd love to tell you about that computer. All the agents and sub-agents are not on-line on the CAP system, that's what you're referring to. The sub-agents, you know, are doing a tremendous volume of this work. Many times we blame the department for errors that are made at the local level. The sub-agents that have an operation to license your vehicles, obviously it's either that or you go to the county and you can blame the county. We have a number of sub-agents that are involved in making these errors. This bill merely says that it definitely is a loser if you go after a five dollar bill. You're raising the threshold to ten dollars which may be a break-even proposition, but you have to remember that the consumer is entitled, where he over pays, the consumer is entitled to get a rebate--refund--on the over-payment and that's what we're primarily concerned with. This, I think, will cut down on the lower end of it, from five dollars to ten dollars."

Senator Bauer: "When the person goes in and buys his license and they look at the little book, and they do their thing and they charge them so much, he's not going to be aware that he has over-paid. There's no way. He goes home and forgets it. Now, the department comes along and recomputes it and finds the mistake and now they're not going to tell him. He has to go and apply for it, not knowing that he's entitled to it even. It's really like saying, 'Hey, you know, you're entitled to it, but if nobody says anything, unless you try to find it out, spend a lot of days searching around to save five or ten dollars, you're not going to get it back.'"

Senator Patterson: "Well, this bill addresses the issue that you spoke of last year. The five dollars was a losing proposition. Now, I'm not going to stand here and suggest that when the state makes an error either way, that representing the department or representing the consumer, they should not go ahead and tell the consumer--suggest to the consumer--that, 'you have an over-payment or go ahead and pay it or that you haven't paid enough.' The threshold goes to ten and I presume that the ten dollars will make it pay, I don't know."

Senator Bauer: "Well, I'm waiting for the computer."

Senator Patterson: "Well, you're going to have to wait a little while longer for the computer."

Further debate ensued.

#### MOTION

On motion of Senator Smith, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1689.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1689 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Bauer, Hansen, Moore, Vogt - 4.

Excused: Senators Anderson, DeJarnatt - 2.

HOUSE BILL NO. 1689, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## SECOND READING

ENGROSSED HOUSE BILL NO. 1762, by Representatives Walker, Appelwick, Brekke, Wineberry, Winsley and Heavey (by request of Human Rights Commission)

Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1762 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1762.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1762 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Anderson, DeJarnatt - 2.

ENGROSSED HOUSE BILL NO. 1762, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1774, by Committee on Judiciary (originally sponsored by Representatives Locke, Hargrove, Patrick, Zellinsky, McLean, Haugen, Doty, Scott, Rayburn, Brooks, Baugher and Ferguson)

Promoting ski area safety.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1774 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1774.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1774 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1774, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, by Committee on Environmental Affairs (originally sponsored by Representatives Jones, Hargrove, Rust, Winsley, Haugen, Spanel, Basich, R. King, Belcher, Cole, Jacobsen, Pruitt, P. King, Valle and Nelson)

Providing for oil spill damage assessments.

The bill was read the second time.

#### MOTION

Senator Conner moved that the following amendments be considered simultaneously and be adopted:

On page 8, beginning on line 26, strike "of a continuing violation (( and insert "(~~of a continuing violation~~" and after ")") insert the spill poses risks to the environment as determined by the director

On page 8, line 30, after "violation" strike ", for each day of continuing violation" and insert "and for each day the spill poses risks to the environment as determined by the director"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Conner on page 8, lines 28 and 30, to Engrossed Substitute House Bill No. 1853.

The motion by Senator Conner carried and the amendments were adopted.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1853, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Thorsness: "Senator Metcalf, with the adoption of the Connor amendments, just so I understand it, now that it's in this bill, for example, if we had the contamination for up to say three years, would that company be liable for up to one hundred thousand dollars per day for that three years?"

Senator Metcalf: "Well, potentially it could be. The words that I read, 'as determined by the director,' and I think the director has the option to look carefully and be sure that it isn't unreasonable. If there is some particular thing that causes a massive damage that would go on and on, then yes, I think that they could."

Senator Thorsness: "So, the check and balance is the director?"

Senator Metcalf: "Yes, in my view, the director has the option and is responsible--to be responsible so to speak."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, you were indicating that we didn't have anything to base the decision on. We completed a number of years ago, and it's on file. I think, with the Department of Natural Resources, a base-line study. This was to anticipate what damage would be caused and that's why the base-line study was made to show just exactly what was in the whole area that would be affected by any oil spills. Wouldn't that be a governing factor? You have a base-line and it says there's this much here and there's this much damage and leave it up to the director and the Governor to decide what the fine should be."

Senator Nelson: "Senator Rasmussen, thank you for the question because that base-line study is not complete in every area of our state or on our waters and that base-line changes from year to year based on the conditions that occur especially along the shorelines. I only point out, and Senator Talmadge and I worked on this particular issue in the Puget Sound Water Quality Bill, you have on the development of the shorelines of the state of Washington, a continual change and what affluent then arrives into our open waters, based on what cities do with their primary treatment plants or in most cases, the major cause of Puget Sound pollution, which is non-point pollution from water run-off of the surface water areas as well as septic tanks, as well as agricultural changes that occur. So, that base-line is always changing. You have to come back and re-do what perhaps you assess as being the environmental condition of the waters and the shoreline."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1853, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1853, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Hayner, Matson, McCaslin, Newhouse, Patterson, Sellar - 10.

Absent: Senator Nelson - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

Senator Talmadge moved that the Committee on Ways and Means be relieved of further consideration of Engrossed Substitute House Bill No. 1190 and that the rules be suspended and Engrossed Substitute House Bill No. 1190 be placed on the second reading calendar.

Debate ensued.

## MOTION

At 10:17 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:31 p.m. by President Pro Tempore Bluechel.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

Senator Saling moved that Gubernatorial Appointment No. 9108, Jean L. Beschel, as a member of the Board of Trustees for Eastern Washington University, be confirmed.

## PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. When we recessed, there was a motion pending to relieve the Senate Ways and Means Committee of Engrossed Substitute House Bill No. 1190. Do we need to act on that motion prior to the time we take up the gubernatorial appointment or do I need to renew my motion at some point?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Talmadge, your motion is pending before us at this time."

## POINT OF ORDER

Senator Newhouse: "Mr. President, I would like to raise the point of order that the motion by Senator Talmadge was not raised in the proper order of business. We were, I believe, on the sixth order and the motion should have been made on the ninth order."

## REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, on that point, I think there has been a previous ruling by the Chair that such a motion would be in order. We can't go to the ninth order of business every time a motion is made to take various kinds of action on the floor of the Senate, and I think it has been at least a custom in the Senate to permit a motion of this sort or various kinds of motions without the necessity of going to the ninth order of business."

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Talmadge, upon ruling on the point of order raised by Senator Newhouse, the President believes the Senate had not acted upon Senator Talmadge's motion, that the objection to deciding that motion is timely, and that Senator Newhouse is correct in that the Senate was not on the proper order.

"The point of order is well taken."

## MOTION

Senator Talmadge: "Mr. President, I move that the Senate go to the ninth order of business. As a means of explanation, this is for the purpose of offering a motion to relieve the Ways and Means Committee of Engrossed Substitute House Bill No. 1190 about which we've spoken. I think it's particularly important in light of the oil spill related issues and the concern that's been expressed about oil leasing in the coastlands of the state of Washington—that we have an opportunity to vote on this critical bill."

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the Senate advance to the ninth order of business.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge to advance to the ninth order of business failed by the following vote: Yeas, 21; nays, 24; absent, 3; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Absent: Senators Hansen, Owen, Patterson - 3.

Excused: Senator DeJarnatt - 1.

## PARLIAMENTARY INQUIRY

Senator Vognild: "A point of parliamentary inquiry, Mr. President. Do I understand that the President has just ruled that we must go to the ninth order of business in order to make a motion to move a bill?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "No, Senator Vognild, only when there are no objections. If there are objections, we must go to the ninth order; if there are no objections, we can move a bill at any time."

Senator Vognild: "So that I correctly understand it, if there's any one objection on the floor, then we must move to the ninth order of business to make a motion?"

President Pro Tempore Bluechel: "It's subject to a majority vote then, Senator Vognild."

Senator Vognild: "Well, Mr. President, I want to be very clear on this, because I think it's an unusual ruling—a majority vote to do what?"

President Pro Tempore Bluechel: "To move to a different order of business, if there are objections. If there are no objections, we can move to a different order of business at any time. If there are objections, it would normally take a majority vote."

Senator Vognild: "I understand that, Mr. President, and I agree. What I want to know is, if there is any objection to a motion made without going to the ninth order, then we must go to the ninth order? I believe that's the ruling that the President made."

President Pro Tempore Bluechel: "Senator Vognild, in this particular instance, we were dealing with a bill that was not before us. We can move bills that are on the calendar without going to the ninth order, but this bill was not on the calendar. This bill was still in the committee. Your statement was overly broad, Senator."

Senator Vognild: "I understand the President has made a ruling, but in some cases a motion is in order without going to the ninth order even if somebody objects and the case you cite is if the bill is on the calendar and we are doing something with that bill although we are not working that bill."

President Pro Tempore Bluechel: "That is just one example, Senator Vognild. Where you are pulling a bill from a committee, then you must have the motion on the ninth order, or without objections."

Senator Vognild: "As long as we're all playing by the same rules."

There being no objection, the Senate resumed consideration of Gubernatorial Appointment No. 9108 and the pending motion by Senator Saling that the confirmation of Jean L. Beschel as a member of the Board of Trustees for Eastern Washington University be confirmed.

The motion by Senator Saling carried and Gubernatorial Appointment No. 9108, Jean L. Beschel, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

#### APPOINTMENT OF JEAN L. BESCHEL

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Hansen, Owen - 2.

Excused: Senator DeJarnatt - 1.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1854, by Committee on Environmental Affairs (originally sponsored by Representatives Jones, Hargrove, Rust, Winsley, Basich, R. King, Belcher, Cole, Spanel, P. King and Nelson)

Modifying resource damage assessment under the state water pollution control act.

The bill was read the second time.

#### MOTION

Senator Madsen moved that the following amendment be adopted:

On page 3, line 7, after "discharges" insert ", including sewer sludge,"

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I'm in a peculiar position. I'd like to rise to a point of order. Are these two amendments being taken separately?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Madsen has only moved one amendment at the present time."

Senator Newhouse: "I'd like to raise the point of order that the amendments expand the scope and object of the bill. I point out the bill has to do with illegal discharge into the waters of the state and the amendments get into mentioning first sewer sludge and then expanding into a new section having to do with counties, Class A and AA, disposing of sewer sludge which would expand the scope and object of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1854 was deferred.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1858, by Committee on Trade and Economic Development (originally sponsored by Representatives Kremen, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Braddock and Wineberry)

Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1858 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1858.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1858 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Metcalf, Owen - 2.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1858, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1965, by Committee on Health Care (originally sponsored by Representatives Hine, G. Fisher, Day, D. Sommers, Cantwell, Braddock, Cole, Dellwo and Rector)

Excluding certain types of housing from the boarding home definition.

The bill was read the second time.

## MOTION

Senator Stratton moved that the following amendments by Senators Stratton and Lee be considered simultaneously and be adopted:

On page 1, line 14, after "include" insert "facilities certified as group training homes pursuant to RCW 71A.22.040, nor"

On page 2, after line 3, insert a new section to read as follows:

"Sec. 2. Section 804, chapter 176, Laws of 1988 and RCW 71A.22.040 are each amended to read as follows:

Any person, corporation, or association may apply to the secretary for approval and certification of the applicant's facility as a day training center or a group training home for persons with developmental disabilities, or a combination of both. The secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the (~~health, safety,~~) care, treatment, maintenance, training, and support of persons with developmental disabilities, under standards in rules adopted by the secretary. Day training centers and group training homes must meet local health and safety standards as may be required by local health and fire-safety authorities."

## POINT OF INQUIRY

Senator McCaslin: "Senator Stratton, on your second amendment on day training centers and group training homes, are those defined in statute?"

Senator Stratton: "Where are you looking?"

Senator McCaslin: "Are you on this amendment here, 1965?"

Senator Stratton: "Yes."

Senator McCaslin: "It says, 'day training centers and group training homes.'"

Senator Stratton: "What line are you on?"

Senator McCaslin: "I'm on the fourth from the bottom."

Senator Stratton: "OK, and what was your question?"

Senator McCaslin: "What are they? Are they defined in statute?"

Senator Stratton: "You might ask Senator Lee that. She's chairman of the committee. I'm sure they are."

Senator McCaslin: "Well, maybe Senator Lee can answer that question."

#### REMARKS BY SENATOR LEE

Senator Lee: "Yes, Senator McCaslin, I can't be as definitive as I'd like to be other than to indicate to you that at the very top of the amendment, it indicates that these are facilities that are identified in WAC--in RCW 71A.22.040."

Senator McCaslin: "Well, are we giving local help broad powers now to put in sprinkler systems, and escape routes and height on ceilings, and--"

Senator Lee: "Senator McCaslin, it is precisely the opposite. In fact, this amendment is being asked to be added to the boarding home exclusion--the exclusion for independent residential living units--from the boarding home regulations, because the boarding home regulations have been made so stringent. They're very similar now to nursing home requirements. The original bill which talks about independent living units, it is ridiculous for them to have that particular kind of standard, so this is an additional one--an addition to the boarding homes--that does not need that high of standard, since those rules were just recently revised."

Senator McCaslin: "So, you're saying this will assist those owners of these homes?"

Senator Lee: "That is correct. It will assist them to continue in the safe manner in which they are now operating."

Senator McCaslin: "Thank you very much, Senator Lee."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Stratton and Lee on page 1, line 14, and page 2, after line 3, to Substitute House Bill No. 1965.

The motion by Senator Stratton carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "18.20.020" and before the period insert "and 71A.22.040"

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1965, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1965, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1965, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Owen - 2.

SUBSTITUTE HOUSE BILL NO. 1965, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1976, by Representatives Prentice, S. Wilson, Gallagher, Baugher, Schmidt and Walk

Extending the project cost evaluation methodology program.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1976 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1976.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1976 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 1976, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1996, by Representatives McLean, R. Fisher, Ballard, Rector, Rayburn, Miller, Brumsickle, Holland, Sayan, Prince, Anderson and Winsley

Revising voter registration cancellation procedures.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1996 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Madsen: "Senator McCaslin, I've had no ground swell of people calling and asking me to vote for this kind of thing. I have one quick question though? Is the auditor required, if there's a return piece of mail, is he required, he or she, required to investigate?"

Senator McCaslin: "Well sub (2) of Section 1 says, 'The county auditor shall initiate his or her inquiry, by sending by first class mail a written notice to the challenged voter at the address indicated on the voter's permanent registration.' So, according to that paragraph, he is."

Senator Madsen: "I guess I have a concern then about this bill. Do the county auditors support this bill?"

Senator McCaslin: "We had no opposition to it. This was a request of Ralph Munro."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1996.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1996 and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West - 37.

Voting nay: Senators Bauer, Fleming, Gaspard, Madsen, Moore, Rinehart, Talmadge, Vognild, Williams, Wojahn - 10.

Absent: Senator Patterson - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED HOUSE BILL NO. 1996, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Fleming and Vognild were excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2013, by Representatives Ferguson, Haugen and Winsley

Specifying when a financing bond issue is to be submitted to voters at a park and recreation district proposal election.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 2013 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Madsen: "Senator McCaslin, in the explanation, it says that there can be a voter approved regular property tax levy or a tax approved excess levy. Now, the regular property tax levy, is that within the nine dollar and fifteen cent limit?"

Senator McCaslin: "Beats the stuffing out of me, but I assume it is. I could check with my brains off the floor in the wing, if you'd like me to."

Senator Madsen: "I would appreciate that, because that could cause problems for the fire districts."

Senator McCaslin: "Could we hold for just a minute, Mr. President?"

There being no objection, the President Pro Tempore deferred further consideration of Engrossed House Bill No. 2013.

## SECOND READING

HOUSE BILL NO. 2054, by Representatives Locke, Todd, O'Brien, Padden, Appelwick, Anderson, Winsley, Belcher and P. King

Specifying the conditions which the state must follow prior to the release of involuntarily committed and dangerous individuals.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2054 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2054.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2054 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Conner, Moore, Patterson - 3.

Excused: Senators DeJarnatt, Fleming, Vognild - 3.

HOUSE BILL NO. 2054, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2088, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Winsley and Dellwo)

Permitting persons in an insurer's holding company system to accept commissions.

The bill was read the second time.

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 2088 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator von Reichbauer, could you explain how this might work in all practical circumstances? I can foresee a situation for example, with a company like Washington Mutual Savings Bank, that has a variety of services, and this would permit some of those people inside of that umbrella to charge fees of clients that were in effect, referred to them by another branch of that overall umbrella financial agency. I'm not singling out Washington Mutual, but say it's an insurance company that is the umbrella organization doing the same thing. This is a situation where you can refer people within the various arms of the umbrella, but there has to be disclosure to the person who is so referred?"

Senator von Reichbauer: "Absolutely, full disclosure, but before it's done, it has to be approved by the Insurance Commissioner's Office. There's no blanket permission given to any company. Every individual situation must be brought to the attention of the Insurance Commissioner."

Senator Talmadge: "So, that client that comes in the door, has to know that when they're referred to X Financial Institution, or Y whatever it might be, that that's another arm of the same overall company, so to speak?"

Senator von Reichbauer: "Full disclosure must be given to the client as well as to the officers of the corporation."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2088.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2088 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2088, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2135, by Representatives Vekich, Cole and Prentice

Revising provisions on farm labor liens.

The bill was read the second time.

## MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 2135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2135.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2135 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Vognild - 2.

ENGROSSED HOUSE BILL NO. 2135, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1989-8662

by Senators Hayner, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Della M. Newman is Ambassador designate to New Zealand; and

WHEREAS, She is a native of the state of Washington and resides in Seattle; and

WHEREAS, Della has excelled in numerous business affiliations while executing major influential political responsibilities in Washington State, and at the national level; and

WHEREAS, In the spirit of service, Della has provided economic education and has shown great interest in Pacific Rim development and foreign trade potential and graciously supports Washington State with community service; and

WHEREAS, Della has proven herself industrious and exceptionally competent in executive diplomacy through careful and tactful treatment of all individuals she encounters; and

WHEREAS, Her kindness, charm and unaffected courtesy have contributed to her success as a wife, mother, grandmother, business woman, political activist, and now diplomat;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize and honor Della M. Newman for her commitment, loyalty, and development as a role model for every citizen of this great state, for we are proud to call her our own; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Della Newman and her family.

## MOTION

On motion of Senator Hayner, all members will be added as sponsors of Senate Resolution 1989-8662.

Senator Moore requested that his name not be included as a sponsor of Senate Resolution 1989-8662.

## ANNOUNCEMENT OF BIRTH

Senator Vognild announced the birth of Max Brown, son of caucus attorney, Marty Brown and Mrs. Kate Brown.

## MOTION

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

## SENATE RESOLUTION 1989-8657

by Senator Sutherland

WHEREAS, The Maryhill Museum of Art is a rare cultural center that attracts up to seventy thousand visitors each year to the Columbia Gorge near Goldendale; and

WHEREAS, The museum was built by Washington pioneer Samuel Hill, dedicated in 1926 by the late Queen Marie of Romania and opened to the public in 1940; and

WHEREAS, Its art displays for many years have enriched cultural opportunities for the people of Southwest Washington and the region; and

WHEREAS, Its permanent display houses a large collection of Queen Marie of Romania memorabilia, Native American basketry and artifacts, and 19th Century French art, including an extensive display of the work of the late French sculptor, Auguste Rodin; and

WHEREAS, The high standards of the museum's leaders and staff have turned this museum into one of the Northwest's finest art centers, dedicated to the cultural and artistic history of the gorge and the state of Washington; and

WHEREAS, The Mary Hill Museum is celebrating the state's one hundredth year of statehood by holding a special showing March 15 through June 25 entitled "Roll On, Columbia;" and

WHEREAS, The museum's exhibit will show how artists over the past one hundred years have expressed the beauty of the gorge landscape; and

WHEREAS, The people of the state of Washington, known for their great love and appreciation of the arts, have long supported this excellent nonprofit institution with private contributions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes to honor the Maryhill Museum of Art; and

BE IT FURTHER RESOLVED, That the Senate wishes to honor and congratulate its diligent Board of Trustees: Keith Mobley, Wayne Eshelman, William B. Ward, Sherry Kaseberg, Alexander Thomson, Fred Blatt, Jackie Jackson, Ruthmarie Gratzel, Elsa Young, George Peekema, Ed Porter, and John Tuhy; as well as its excellent director, Linda Mountain; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Maryhill Museum Board of Trustees members, and to its director.

## MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5729, deferred on second reading April 3, 1989.

## MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 1, beginning on line 8, strike all material through "program." on line 11

Renumber remaining sections consecutively and correct internal references accordingly.

On page 2, line 22, after "are" strike all material through "receive" and insert "entitled to"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Talmadge and Gaspard on page 1, beginning on line 8, and page 2, line 22, to Substitute Senate Bill No. 5729.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator DeJarnatt - 1.

#### MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the balance of this session."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse that debate be limited to three minutes through the end of this session.

The motion by Senator Newhouse carried and debate was limited to three minutes to the end of the session.

#### MOTION

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

On page 2, line 4, after "victim," insert "The director is authorized to waive this cap following a finding of extreme hardship."

Debate ensued.

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

#### MOTION

On motion of Senator Anderson, Senator Lee was excused.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I know you have as much concern as the rest of us, for especially hardship cases. How many times would you anticipate that it would be required from past records on serious crimes, that the director would wish to waiver with the approval of the Governor?"

Senator McDonald: "They are, as I remember the figures, Senator Rasmussen, they are the vast majority. It's only a few percentage of the victims that have exceeded forty-five thousand dollars. As you may remember, when it first came to the Senate, the limit was considerably less than the forty-five thousand dollars and we raised it to that level for precisely those reasons. So, it is going to be taking in virtually all of the victims of crime."

Senator Rasmussen: "So, the ordinary rule would cover it under the forty-five thousand, but in isolated cases, very isolated, it may have a cost run over?"

Senator McDonald: "That is correct."

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Gaspard on page 2, line 4, to Substitute Senate Bill No. 5729.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vogtild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators DeJarnatt, Lee - 2.

#### MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson, Patterson and Madsen was adopted:

On page 9, line 15, after "committee" insert "and legislative transportation committee"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5729 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5729.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vogtild, Warnke, Williams, Wojahn - 22.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Bill No. 5169.

#### SECOND READING

SENATE BILL NO. 5169, by Senators Smith and Stratton (by request of Department of Social and Health Services)

Providing for revenue collection by the department of social and health services.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Ways and Means amendment was adopted:

On page 6, beginning on line 15, after "physicians," strike all material down to and including "department)," on line 21 and insert "(In the conduct of such audits or investigations, the secretary may examine only those records or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the department)) In order to determine the provider's actual, usual, customary, or prevailing charges, the secretary may examine such random representative records as necessary to show accounts billed and accounts received. In order to verify costs incurred by the department for treatment of public assistance applicants or recipients, the secretary may examine patient records or portions thereof in connection with services to such applicants or recipients rendered by a health care provider"

On motion of Senator Smith, the following Committee on Children and Family Services amendment was adopted:

On page 7, beginning on line 12, strike all of Section 6

Remember the remaining sections consecutively and correct internal references accordingly

Senator McMullen moved that the following amendment by Senators McMullen and Smith be adopted:

On page 10, line 27, strike all of subsection (4) and insert:

"(4) If recovery is made by the department under this section and the subrogation is fully or partially satisfied through an action brought by or on behalf of the recipient, the amount paid to the department shall bear its proportionate share of attorneys' fees and costs. The determination of the proportionate share to be borne by the department shall be based upon:

(a) The fees and costs approved by the court in which the action was initiated; or

(b) The written agreement between the attorney and client which establishes fees and costs when fees and costs are not addressed by the court.

(c) When fees and costs have been approved by a court, after notice to the department, the department shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share.

(d) When fees and costs have not been addressed by the court, the department shall receive at the time of settlement a copy of the written agreement between the attorney and client which establishes fees and costs and may request and examine documentation of fees and costs associated with the case. The department may bring an action in superior court to void a settlement if it believes the attorneys' calculation of its proportionate share of fees and costs is inconsistent with the written agreement between the attorney and client which establishes fees and costs associated with the case are exorbitant in relation to cases of a similar nature."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McMullen and Smith on page 10, line 27, to Senate Bill No. 5169.

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

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 3 of the title, strike "74.09.290, and 74.09.750" and insert "and 74.09.290"

On motion of Senator Smith, the rules were suspended, Engrossed Senate Bill No. 5169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5169.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SENATE BILL NO. 5169, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5691, on reconsideration, deferred March 31, 1989.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, is Substitute Senate Bill No. 5691 specifically referenced in the budget passed by the Senate?"

Senator McDonald: "I believe it is, Senator Talmadge. It is a bill necessary to implement the budget, because it does carry a revenue impact or an expenditure impact, so I believe it is very much within the purview of this body."

Senator Talmadge: "I guess what I was interested in knowing was if it was specifically referenced by bill number?"

Senator McDonald: "I'll investigate that and get together with you, Senator Talmadge, but it certainly is a bill necessary to implement the budget and I think that's what we're dealing with."

#### POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order, I raise the point of order that I don't believe Substitute Senate Bill No. 5691 is specifically referenced in the budget and if it is not specifically referenced in the budget, I believe it is outside the purview of the cutoff resolution adopted by both Houses."

Further debate ensued.

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild and Senator Talmadge, to answer your direct inquiry there, reading line 12, of House Concurrent Resolution No. 4404, which is the cut-off resolution, it says, 'Be it further resolved that the following cut-off date shall apply to all bills, memorials, and joint resolutions with the exception of budgets, matters necessary to implement budgets, tax reform legislation, initiatives to the legislature and legislative alternatives to such initiatives.' Accordingly, Senator Talmadge, your point is not well taken."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5691, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 5691, on reconsideration, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President, a point of parliamentary inquiry. I need a clarification on the ruling the Chair just made. If I understood it correctly, the Chair ruled that this bill is alive, because it's necessary to implement the budget. Is that the ruling the Chair made?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "That's right."

Senator Vognild: "The bill is not referenced in the budget, but it's alive, therefore, any bill which would have a fiscal impact of any kind--would have any type of effect on the budget--should be alive under your ruling? Is that correct?"

President Pro Tempore Bluechel: "That's not what I ruled on. I ruled on this one, this specific one. It was alive because the issue that you raised was stated very clearly in the budget."

Senator Vognild: "Mr. President, just so I want to be extremely clear, I know exactly what's happening here. You ruled on one bill and one bill only, and you ruled that it is alive, because the chairman of Ways and Means said it is necessary to implement the budget."

Further debate ensued.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.



## SECOND READING

HOUSE BILL NO. 1043, by Representatives Inslee, R. Meyers, Schmidt, Heavey, Baugher, Rayburn, Ballard, Winsley, P. King, Gallagher and Phillips (by request of Washington State Patrol)

Providing a procedure for unclaimed property in the hands of the Washington state patrol.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 5, line 23, after "year" strike "or when the submitting agency has accumulated ten firearms" and insert "if the submitting agency has accumulated at least ten firearms"

On page 5, line 24, after "sale" strike ", whichever occurs first"

Senator Barr moved that the following amendment be adopted:

On page 5, line 32, after "sale," strike through and including line 34 ending "RCW 77.32-.155." and insert "((and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155:)). The seizing agency shall retain the remainder of the proceeds to be used for law enforcement purposes."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Barr on page 5, line 32, to House Bill No. 1043.

The motion by Senator Barr failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1043, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1043, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1043, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Amundson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Barr, Bluechel - 2.

Absent: Senator Johnson - 1.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 1043, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1690, by Representatives Prince, Day and D. Sommers (by request of Department of Licensing)

Changing provisions relating to the motor vehicle fuel tax.

The bill was read the second time.

## MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 1, line 9, before "not" strike "shall" and insert "((shall)) do"

On page 1, line 10, after "while" strike "they are" and insert "~~((they are))~~"

On page 1, line 22, after "director" strike "as hereinafter provided and" and insert "~~((as hereinafter provided and))~~"

On page 1, line 23, after "as" strike "he" and insert "~~((he))~~ the director"

On page 1, line 24, after "section" strike "shall be" and insert "~~((shall be))~~ is"

On page 1, line 26, after "covering" strike "such" and insert "~~((such))~~"

On page 1, line 26, after "exempt" strike "sale" and insert "~~((sale))~~ sales"

On page 3, line 5, after "hereunder" strike "shall" and insert "~~((shall))~~ do"

On page 4, line 1, after "director," strike "shall be" and insert "are"

On page 4, line 2, after "chapter" strike ". This exemption shall be allowed only"

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 3 beginning on line 10, strike all material through "faith," on line 17, and insert:

~~"(In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the distributor shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as shall be prescribed by the director. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the distributor in good faith.)"~~

On motion of Senator Nelson, the following amendments were considered simultaneously and were adopted:

On page 3, line 19, after "information" strike "he" and insert "~~((he))~~ the director"

On page 3, line 29, after "which" strike "he" and insert "~~((he))~~ the director"

#### MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1690, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1690, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1690, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Kreidler - 1.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 1690, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

#### REPORT OF STANDING COMMITTEE

April 4, 1989

SB 5373 Prime Sponsor, Senator Patterson: Making transportation appropriations for the 1989-91 biennium. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5373 be substituted therefor, and the substitute bill do pass with committee amendments. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Benitz, Hansen, McMullen, Madsen, Murray, Sellar, Sutherland, Thorsness.

Passed to Committee on Rules for second reading.

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

## MESSAGES FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5046,

SUBSTITUTE SENATE BILL NO. 5099,

SENATE BILL NO. 5874,

SUBSTITUTE SENATE BILL NO. 6003, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 4, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5037,

SENATE BILL NO. 5152,

SUBSTITUTE SENATE BILL NO. 5214,

SUBSTITUTE SENATE BILL NO. 5266,

SENATE BILL NO. 5580,

SENATE BILL NO. 5617,

SUBSTITUTE SENATE BILL NO. 5733,

SUBSTITUTE SENATE BILL NO. 5786,

SUBSTITUTE SENATE BILL NO. 5807,

SUBSTITUTE SENATE BILL NO. 5838, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5037,

SENATE BILL NO. 5046,

SUBSTITUTE SENATE BILL NO. 5099,

SENATE BILL NO. 5152,

SUBSTITUTE SENATE BILL NO. 5214,

SUBSTITUTE SENATE BILL NO. 5266,

SENATE BILL NO. 5580,

SENATE BILL NO. 5617,

SUBSTITUTE SENATE BILL NO. 5733,

SUBSTITUTE SENATE BILL NO. 5786,

SUBSTITUTE SENATE BILL NO. 5807,

SUBSTITUTE SENATE BILL NO. 5838,

SENATE BILL NO. 5874,

SUBSTITUTE SENATE BILL NO. 6003.

## MOTION

At 4:28 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Thursday, April 6, 1989.

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

**EIGHTY-EIGHTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, April 6, 1989

The Senate was called to order at 8:30 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Craswell, DeJarnatt, Fleming, Owen and Smitherman. On motion of Senator Warnke, Senators DeJarnatt, Fleming, Owen and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Vernice Bautista and Jason Small, presented the Colors. Reverend Gary Small, pastor of the Liberty Fundamental Baptist Church of Lynden, and a guest of Senator Ann Anderson, offered the prayer.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6098 by Senator Patterson

AN ACT Relating to licensing of publicly owned vehicles; amending RCW 46.16.020, 46.16.040, 46.16.111, and 82.44.010; adding a new section to chapter 46.16 RCW; and repealing RCW 46.16.035.

Referred to Committee on Transportation.

SB 6099 by Senator McDonald

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 6100 by Senator McDonald

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 6101 by Senator McDonald

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 6102 by Senator McDonald

AN ACT Relating to capital projects.

Referred to Committee on Ways and Means.

SB 6103 by Senator McDonald

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 6104 by Senator McDonald

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 6105 by Senator McDonald

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 6106 by Senator McDonald

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 6107 by Senator McDonald

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 6108 by Senator McDonald

AN ACT Relating to medical assistance.

Referred to Committee on Ways and Means.

SB 6109 by Senator McDonald

AN ACT Relating to health care.

Referred to Committee on Ways and Means.

SB 6110 by Senator McDonald

AN ACT Relating to mental health.

Referred to Committee on Ways and Means.

SB 6111 by Senator McDonald

AN ACT Relating to long term care.

Referred to Committee on Ways and Means.

SB 6112 by Senator McDonald

AN ACT Relating to children and family services.

Referred to Committee on Ways and Means.

SB 6113 by Senator McDonald

AN ACT Relating to developmental disabilities.

Referred to Committee on Ways and Means.

SB 6114 by Senator McDonald

AN ACT Relating to corrections.

Referred to Committee on Ways and Means.

SB 6115 by Senator McDonald

AN ACT Relating to education.

Referred to Committee on Ways and Means.

SB 6116 by Senator McDonald

AN ACT Relating to higher education.

Referred to Committee on Ways and Means.

SB 6117 by Senator McDonald

AN ACT Relating to natural resources.

Referred to Committee on Ways and Means.

SB 6118 by Senator McDonald

AN ACT Relating to the judiciary.

Referred to Committee on Ways and Means.

SB 6119 by Senator McDonald

AN ACT Relating to criminal justice.

Referred to Committee on Ways and Means.

SB 6120 by Senator McDonald

AN ACT Relating to economic development.

Referred to Committee on Ways and Means.

SB 6121 by Senator McDonald

AN ACT Relating to state personnel administration.

Referred to Committee on Ways and Means.

SB 6122 by Senator McDonald

AN ACT Relating to retirement from public service.

Referred to Committee on Ways and Means.

SB 6123 by Senator McDonald

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 6124 by Senator McDonald

AN ACT Relating to sales and use taxes.

Referred to Committee on Ways and Means.

SB 6125 by Senator McDonald

AN ACT Relating to business and occupation taxes.

Referred to Committee on Ways and Means.

SB 6126 by Senator McDonald

AN ACT Relating to excise taxes.

Referred to Committee on Ways and Means.

SB 6127 by Senator McDonald

AN ACT Relating to public utility taxes.

Referred to Committee on Ways and Means.

SB 6128 by Senator McDonald

AN ACT Relating to property taxation.

Referred to Committee on Ways and Means.

SB 6129 by Senator McDonald

AN ACT Relating to limitations on revenue.

Referred to Committee on Ways and Means.

SB 6130 by Senators Talmadge and Kreidler

AN ACT Relating to injuries caused by exposure to tobacco or tobacco products; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SJR 8225 by Senator McDonald

Relating to Constitutional modifications of revenue and taxation.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9105, James C. Waldo, as a member of the Board of Trustees for Western Washington University, was confirmed.

Senators Anderson and von Reichbauer spoke to the confirmation of James C. Waldo as a member of the Board of Trustees for Western Washington University.

APPOINTMENT OF JAMES C. WALDO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; nays, 3; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Metcalf, Thorsness, West - 3.

Absent: Senators Amondson, Craswell - 2.

Excused: Senators DeJarnatt, Fleming, Owen, Smitherman - 4.

#### SECOND READING

HOUSE BILL NO. 2161, by Representatives Jacobsen, Prince, Rayburn, Grant, Doty, Heavey, P. King, Miller, Jesernig and Van Luven

Amending the distinguished professorship trust program.

The bill was read the second time.

#### MOTION

On motion of Senator Saling, the rules were suspended, House Bill No. 2161 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2161.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2161 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Fleming, Owen, Smitherman - 4.

HOUSE BILL NO. 2161, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2142, by Representatives Hargrove, Jones and Van Luven

Authorizing cities and towns to reimburse litigation expenses to reimburse prevailing parties in a lawsuit where the city or town is a party.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following amendment was adopted:

On page 1, line 8, after "dollars," strike all material down to and including "1989." on line

9

Senator McCaslin moved that the following amendment be adopted:

On page 1, after line 9, insert the following:

**NEW SECTION.** Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

(1) Whenever an action or proceeding for damages is brought against any officer or employee of a city or town of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the city or town to authorize the defense of the action or proceeding at the expense of the city or town.

(2) If the city or town legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the city or town. Any monetary judgment against the officer or employee may be paid on approval of the city or town legislative authority.

(3) The necessary expenses of defending an elective municipal officer in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the city or town if the officer requests such defense and approval is granted by the city or town legislative authority. The expenses paid by the city or town may include costs associated with

an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

**NEW SECTION.** Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Whenever an action or proceeding for damages is brought against any officer or employee of a code city of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the code city to authorize the defense of the action or proceeding at the expense of the code city.

(2) If the code city legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the code city. Any monetary judgment against the officer or employee may be paid on approval of the code city legislative authority.

(3) The necessary expenses of defending an elective municipal officer in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the code city if the officer requests such defense and approval is granted by the code city legislative authority. The expenses paid by the code city may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McCaslin on page 1, after line 9, to House Bill No. 2142.

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

#### MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "cities;" insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW;"

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2142, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2142, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2142, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Batley, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Niemi, Pullen, Rinehart - 3.

Excused: Senators DeJarnatt, Fleming, Owen, Smitherman - 4.

HOUSE BILL NO. 2142, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Nelson, Hankins, Rust, Fuhrman, Jesernig, Schoon, Miller and Gallagher

Memorializing Hanford as a national energy center.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Benitz, the rules were suspended, House Joint Memorial No. 4000 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4000.



## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4000 and the joint memorial passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Warnke - 1.

Excused: Senators DeJarnatt, Fleming - 2.

HOUSE JOINT MEMORIAL NO. 4000, having received the constitutional majority was declared passed.

## MOTION

On motion of Senator Saling, Senator Anderson was excused.

## SECOND READING

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Prince, Jacobsen, Miller, Basich, Wood, Van Luven, Doty and Baugher

Regarding student loans.

The joint memorial was read the second time.

## MOTION

On motion of Senator Saling, the rules were suspended, House Joint Memorial No. 4015 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator Saling, in this memorial is there any definition or any other indication to guide the loan officers in these institutions as to what would constitute an excessive debt burden for a student?"

Senator Saling: "Not to my knowledge. They would have to figure out with that student, the amount of income the student has, and what their ability would be to pay back a loan. They do have sophisticated formulas that they have now to determine whether a student is actually needy or not. It takes into consideration the student's income, the parents' income, the assets of the student and so on. I assume that what they would do is try and figure out some method of determining that at each local campus, but it doesn't speak to it in this memorial."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4015.

## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4015 and the joint memorial passed the Senate by the following vote: Yeas, 37; nays, 8; absent, 1; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 37.

Voting nay: Senators Bender, Conner, Lee, Moore, Murray, Smitherman, Talmadge, Williams - 8.

Absent: Senator Smith - 1.

Excused: Senators Anderson, DeJarnatt, Fleming - 3.

HOUSE JOINT MEMORIAL NO. 4015, having received the constitutional majority was declared passed.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1854 and the pending amendment by Senator Madsen on page 3, line 7, deferred April 5, 1989.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Substitute House Bill No. 1854 is a measure which defines the type of damages which may be collected from illegal discharges into state waters; provides for any money recovered as damages to be transferred to the Coastal Protection Fund; and establishes a steering committee to authorize expenditures from this fund for a variety of purposes, including investigations of long-term effects of discharges.

"The amendment proposed by Senator Madsen, authorizes the steering committee to investigate the long-term effects of sludge discharges.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Madsen on page 3, line 7, to Substitute House Bill No. 1854 was ruled in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 3, line 7, to Substitute House Bill No. 1854.

Debate ensued.

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

## MOTION

Senator Madsen moved that the following amendment be adopted:

On page 4, after line 25, insert the following section:

"NEW SECTION, Sec. 5. Any metropolitan municipal corporation, or class A or AA county disposing sewage sludge in any county in this state shall first execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least an amount set by the county in which the sewage sludge is to be disposed.

The issuer of the surety bond shall be licensed to do business in this state, and shall promptly notify the county when claims or payments are made against the bond. The bond shall be filed with the county and shall run to the county and to any person who may have a cause of action against the obligor of said bonds for any claim arising out of the sewage sludge disposal."

Renumber remaining sections consecutively.

## POINT OF ORDER

Senator Newhouse: "Mr. President, I'd like to raise the scope and object issue with this particular amendment. This is the one."

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Substitute House Bill No. 1854 is a measure which defines the type of damages which may be collected from illegal discharges into state waters; provides for any money recovered as damages to be transferred to the Coastal Protection Fund; and establishes a steering committee to authorize expenditures from this fund for a variety of purposes, including investigations of long-term effects of discharges.

"The amendment proposed by Senator Madsen, would require metropolitan municipal corporations or Class A or AA counties who dispose of sludge to execute a surety bond in an amount set by the county in which the sludge is to be disposed.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Madsen on page 4, after line 25, to Substitute House Bill No. 1854 was ruled out of order.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1854, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, at the present time, if a farmer discharges from his farm into the stream, he can be penalized up to the amount of damages to the fish life. What additional damages will that farmer have on top of that? They've assessed the cost of restocking the stream in several instances and this will be more damages on top of that?"

Senator Metcalf: "It could be, depending on the situation. The lost value between injury and restoration, for example, is defined or if restoration isn't possible, there would be compensation for the lost value of the resource, so it could be. The answer to your question is, 'yes,' it could be more damages in that particular case."

Senator Rasmussen: "And who sets the damages, the court or the Department of Ecology or just who sets the damages?"

Senator Metcalf: "It is my understanding that it is the Department of Ecology."

Senator Rasmussen: "There are no limits on what the Department of Ecology can assess and collect?"

Senator Metcalf: "Well, I don't think so, but you always have recourse to court if you think it's excessive."

Senator Rasmussen: "There are absolutely no limits on it? Thank you, Senator Metcalf."

## MOTION

On motion of Senator McCaslin, Senator Smith was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1854, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1854, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 1; excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Conner, Rasmussen, Saling - 3.

Absent: Senator McDonald - 1.

Excused: Senators Anderson, DeJarnatt, Fleming, Smith - 4.

SUBSTITUTE HOUSE BILL NO. 1854, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1952, by Committee on Judiciary (originally sponsored by Representatives Braddock, Appelwick and P. King)

Clarifying the durable power of attorney statute.

The bill was read the second time.

## MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Rasmussen be adopted:

On page 2, line 12, after "behalf" insert ": PROVIDED, That the attorney-in-fact may not consent to decisions to withhold or withdraw nutrition or hydration from the principal, except where the principal is physically unable to tolerate the administration of nutrition or hydration"

Debate ensued.

## POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the amendment by Senators Craswell and Rasmussen expands the scope and object of

Substitute House Bill No. 1952. The bill that is before us is merely a technical correction in the law relating to the Durable Power of Attorney, something recommended by the Bar Association and something so non-controversial as to be on the consent calendar. The amendment by Senators Craswell and Rasmussen is more appropriately placed in the Natural Death Act section of the law. It really pertains to that issue and not to a simple technical correction, recommended by the Bar Association of the Durable Power of Attorney statute. Therefore, I believe the amendment expands the scope and object of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1952 was deferred.

#### MOTION

Senator Vognild moved that Substitute House Bill No. 1952 be moved to the bottom of the second reading calendar.

Senator Newhouse suggested that that decision be made after the Ruling by the President on the amendment by Senators Craswell and Rasmussen.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2013, deferred on third reading April 5, 1989.

Debate ensued.

#### REMARKS BY SENATOR MADSEN

Senator Madsen: "I asked Senator McCaslin, when this bill came up, if this new park and recreation district would have a property tax level within the \$9.15 property tax lid. My concern was if it was put in there, it would compete with fire districts for that limited amount of resources that is within the \$9.15. In talking with the staff of the Governmental Operations Committee, I found out that a couple of years ago we prioritized the levy within the \$9.15. This district would be a junior, junior, junior taxing district. This is even lower on the priority list than a cemetery district. I'm comfortable with it and now I ask your support of it."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2013.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2013 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Fleming - 2.

ENGROSSED HOUSE BILL NO. 2013, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, by Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick and G. Fisher) (by request of Department of Social and Health Services)

Making changes to support enforcement provisions.

The bill was read the second time.

## MOTIONS

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, page 363, Laws of 1854 as last amended by section 1, chapter 76, Laws of 1984 and RCW 4.16.020 are each amended to read as follows:

(1) The period prescribed for the commencement of actions shall be as follows:

Within ten years:

~~((1))~~ (a) For actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it appears that the plaintiff, his ancestor, predecessor or grantor was seized or possessed of the premises in question within ten years before the commencement of the action.

~~((2))~~ (b) For an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extraterritorial court of the United States, except for actions to collect past due child support.

(c) Of the eighteenth birthday of the youngest child named in the order for whom support is ordered for an action to collect past due child support that has accrued under an order entered by any of the above-named courts or that has accrued under an administrative order as defined in RCW 74.20A.020(6).

(2) The provisions of this 1989 amendatory act apply to all past due child support payments that are not barred by operation of this section before the effective date of this act.

Sec. 2. Section 7, chapter 60, Laws of 1929 as amended by section 1, chapter 236, Laws of 1979 ex. sess. and RCW 4.56.210 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after the expiration of ten years from the date of the entry of any judgment heretofore or hereafter rendered in this state, it shall cease to be a lien or charge against the estate or person of the judgment debtor~~((and))~~. No suit, action or other proceeding shall ever be had on any judgment rendered in this state by which the lien ~~((or duration of such judgment, claim or demand))~~ shall be extended or continued in force for any greater or longer period than ten years ~~((from the date of the entry of the original judgment))~~.

(2) An underlying judgment or judgment lien for accrued child support shall continue in force for ten years after the eighteenth birthday of the youngest child named in the order for whom support is ordered.

(3) The provisions of this 1989 amendatory act apply to all judgments for past due child support which are not barred by operation of this section before the effective date of this act.

Sec. 3. Section 2, chapter 25, Laws of 1929 as last amended by section 402, chapter 442, Laws of 1987 and RCW 6.17.020 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the party in whose favor a judgment of a court of record of this state or a district court of this state has been or may be rendered, or the assignee, may have an execution issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment.

(2) After the effective date of this act, a party who obtains a judgment or order of a court of record of any state, or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, may have an execution issued upon that judgment or order at any time within ten years of the eighteenth birthday of the youngest child named in the order for whom support is ordered.

Sec. 4. Section 22, chapter 164, Laws of 1971 ex. sess. as last amended by section 16, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.220 are each amended to read as follows:

Any support debt due the department from a responsible parent which the secretary deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset ~~((PROVIDED That))~~. At any time after six years from the date a support debt was incurred, the secretary may charge off as uncollectible any support debt upon which the secretary finds there is no available, practical, or lawful means by which said debt may be collected.

The department may accept offers of compromise of disputed claims or may grant partial or total charge-off of support arrears owed to the department up to the total amount of public assistance paid to or for the benefit of the persons for whom the support obligation was incurred. The department shall adopt rules as to the considerations to be made in the granting or denial of partial or total charge-off and offers of compromise of disputed claims of debt for support arrears. The rights of the payee under an order for support shall not be prejudiced if the department accepts an offer of compromise, or grants a partial or total charge-off under this section.

The responsible parent owing a support debt may execute a written extension or waiver of any statute ~~((including but not limited to RCW 4.56.210))~~ which may bar or impair the collection of the debt and the extension or waiver shall be effective according to its terms.

Sec. 5. Section 10, chapter 164, Laws of 1971 ex. sess. as last amended by section 7, chapter 276, Laws of 1985 and RCW 74.20A.100 are each amended to read as follows:

~~((Should)) (1) Any person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of earnings, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorney fees if that person or entity:~~

~~(a) Fails to ((make)) answer ((to)) an order to withhold and deliver within the time prescribed herein; ((or))~~

~~(b) Fails or refuses to deliver property pursuant to said order; ((or))~~

~~(c) After actual notice of filing of a support lien, pays over, releases, sells, transfers, or conveys real or personal property subject to a support lien to or for the benefit of the debtor or any other person; ((or))~~

~~(d) Fails or refuses to surrender ((upon demand)) property distrained under RCW 74.20A.130 upon demand; or~~

~~(e) Fails or refuses to honor an assignment of ((wages)) earnings presented by the secretary ((-said person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees)).~~

~~((If a judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section:)) (2) The secretary is authorized to issue a notice of debt pursuant to RCW 74.20A.040 and to take appropriate action to collect the debt under this chapter if:~~

~~(a) A judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section; or~~

~~(b) Liability has been established under RCW 74.20A.270.~~

Sec. 6. Section 3, chapter 435, Laws of 1987 as amended by section 18, chapter 275, Laws of 1988 and RCW 26.23.030 are each amended to read as follows:

(1) There is created a Washington state support registry within the office of support enforcement as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

~~((+)) (a) Account for and disburse all support payments received by the registry;~~

~~((+)) (b) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;~~

~~((+)) (c) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry;~~

~~((+)) (2) The office of support enforcement may assess and collect interest at the rate of two percent per year on unpaid child support that has accrued under any support order entered into the registry. This interest rate shall not apply to those support orders already specifying an interest assessment at a different rate.~~

(3) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered.

~~((The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under 42 U.S.C. Sec. 657. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.~~

~~If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to~~

amounts collected on the support debt and up to ten percent of amounts collected as current support.)

Sec. 7. Section 16, chapter 173, Laws of 1969 ex. sess. as last amended by section 30, chapter 435, Laws of 1987 and RCW 74.20.101 are each amended to read as follows:

~~((Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment)) (1) A responsible parent shall ~~(be paid)~~ make all support payments through the office of support enforcement or the Washington state support registry if:~~

~~(a) The parent's support order contains a provision directing the ~~((responsible))~~ parent to make support payments through the office of support enforcement or the Washington state support registry ~~((or upon)); or~~~~

~~(b) If the parent has received written notice ~~((by))~~ from the office of support enforcement ~~((to the responsible parent or to the clerk of the court, if appropriate;))~~ under RCW 26.23.110, 74.20A.040, or 74.20A.055 that all future support payments must be made through the office of support enforcement or the Washington state support registry.~~

~~((After service on)) (2) A responsible parent ~~((of a notice under this section or RCW 74.20A.040 or 74.20A.055, payment of moneys for the support of the responsible parent's children))~~ who has been ordered or notified to make support payments to the office of support enforcement or the Washington state support registry shall not receive credit for payments which are not paid to the office of support enforcement or the Washington state support registry ~~((shall not be credited against or set off against any obligation to provide support which has been assigned to the department, whether the obligation has been determined by court order, or pursuant to RCW 74.20A.055, or is unliquidated))~~ unless:~~

~~(a) The department determines that the granting of credit would not prejudice the rights of the residential parent or other person or agency entitled to receive the support payments and circumstances of an equitable nature exist; or~~

~~(b) A court, after a hearing at which all interested parties were given an opportunity to be heard, on equitable principles, orders that credit be given.~~

~~(3) The rights of the payee under an order for support shall not be prejudiced if the department grants credit under subsection (2)(a) of this section. If the department determines that credit should be granted pursuant to subsection (2) of this section, the department shall mail notice of its decision to the last known address of the payee, together with information about the procedure to contest the determination.~~

Sec. 8. Section 4, chapter 164, Laws of 1971 ex. sess. as last amended by section 2, chapter 276, Laws of 1985 and RCW 74.20A.040 are each amended to read as follows:

(1) The secretary may issue a notice of a support debt accrued and/or accruing based upon RCW 74.20A.030, assignment of a support debt or a request for support enforcement services under RCW 74.20.040 (2) or (3), to enforce and collect a support debt created by a superior court order or administrative order. The payee under the order shall be informed when a notice of support debt is issued under this section.

~~(Said)~~ (2) The notice may be served upon the debtor in the manner prescribed for the service of a summons in a civil action or be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt.

~~(Said)~~ (3) The notice of debt shall include:

(a) A statement of the support debt accrued and/or accruing, computable on the amount required to be paid under any superior court order to which the department is subrogated or is authorized to enforce and collect under RCW 74.20A.030, has an assigned interest, or has been authorized to enforce pursuant to RCW 74.20.040 (2) or (3);

(b) A statement that the property of the debtor is subject to collection action;

(c) A statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and

(d) A statement that the net proceeds will be applied to the satisfaction of the support debt.

(4) Action to collect a support debt by lien and foreclosure, or distraint, seizure and sale, or order to withhold and deliver shall be lawful after twenty days from the date of service upon the debtor or twenty days from the receipt or refusal by the debtor of said notice of debt.

(5) The secretary shall not be required to issue or serve such notice of support debt prior to taking collection action under this chapter when a responsible parent's support order:

(a) Contains language directing the parent to make support payments to the Washington state support registry; and

(b) Includes a statement that income-withholding action under this chapter may be taken without further notice to the responsible parent, as provided in RCW 26.23.050(1).

Sec. 9. Section 6, chapter 164, Laws of 1971 ex. sess. as last amended by section 5, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.060 are each amended to read as follows:

(1) The secretary may assert a lien upon the real or personal property of a responsible parent:

(a) When a support payment is past due, if the parent's support order was entered in accordance with RCW 26.23.050(1);

(b) Twenty-one days after ((receipt or refusal) service of a notice of support debt under ((provisions of) RCW 74.20A.040((-or)):

(c) Twenty-one days after service of a notice and finding of financial responsibility((-or as otherwise appropriate)) under RCW 74.20A.055((-or as));

(d) Twenty-one days after service of a notice and finding of parental responsibility;

(e) Twenty-one days after service of a notice of support owed under RCW 26.23.110; or

(f) When appropriate under RCW 74.20A.270 ((a lien may be asserted by the secretary upon the real or personal property of the debtor)).

(2) The claim of the department for a support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located~~((A lien against earnings shall attach and be effective subject to service requirements of RCW 74.20A.070 upon filing with the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business)).~~

(3) Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless:

(a) A written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state; or ((unless))

(b) A determination has been made in a fair hearing pursuant to RCW 74.20A.055 or by a superior court ordering release of said support lien on the basis that no debt exists or that the debt has been satisfied.

Sec. 10. Section 8, chapter 164, Laws of 1971 ex. sess. as last amended by section 6, chapter 276, Laws of 1985 and RCW 74.20A.080 are each amended to read as follows:

~~((Twenty-one days after service of a notice of debt as provided for in RCW 74.20A.040, or twenty-one days after service of the notice and finding of financial responsibility or as otherwise appropriate under RCW 74.20A.055, or as appropriate under RCW 74.20A.270.)) (1) The secretary ((is hereby authorized to)) may issue to any person, firm, corporation, association, political subdivision, or department of the state, an order to withhold and deliver property of any kind, including((:)) but not restricted to((:)) earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state property which is due, owing, or belonging to said debtor. Such order to withhold and deliver may be issued:~~

(a) When a support payment is past due, if a responsible parent's support order:

(i) Contains language directing the parent to make support payments to the Washington state support registry; and

(ii) Includes a statement that other income-withholding action under this chapter may be taken without further notice to the responsible parent, as provided for in RCW 26.23.050(1);

(b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040;

(c) Twenty-one days after service of a notice and finding of parental responsibility;

(d) Twenty-one days after service of a notice of support owed under RCW 26.23.110;

(e) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; or

(f) When appropriate under RCW 74.20A.270.

(2) The order to withhold and deliver shall:

(a) State the amount of the support debt accrued((-and shall));

(b) State in summary the terms of RCW 74.20A.090 and 74.20A.100((-The order to withhold and deliver shall));

(c) Be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested.

(3) Any person, firm, corporation, association, political subdivision, or department of the state upon whom service has been made is hereby required to:

(a) Answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein((-The secretary may require)); and

(b) Provide further and additional answers ((to be completed by the person, firm, corporation, association, political subdivision or department of the state, in the event there is in the possession of)) when requested by the secretary.

(4) Any such person, firm, corporation, association, political subdivision, or department of the state in possession of any property which may be subject to the claim of the department of social and health services((-such property)) shall ~~((be withheld));~~

(a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver; and ((shall, after the twenty day period, upon demand, be))



(ii) Deliver((ed forthwith)) the property to the secretary((The secretary shall hold said property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, in the alternative, there may be)) as soon as the twenty-day answer period expires;

(iii) Continue to withhold earnings payable to the debtor at each succeeding disbursement interval as provided for in RCW 74.20A.090, and deliver amounts withheld from earnings to the obligee within ten days of the date earnings are payable to the debtor;

(iv) Inform the secretary of the date the amounts were withheld as requested under this section; or

(b) Furnish((ed)) to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability.

(5) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision, or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary.

(6) Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver. ((Delivery to the secretary shall serve as full acquittance and))

(7) The state warrants and represents that:

(a) It shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter((The state also warrants and represents that)); and

(b) It shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter. ((The foregoing is subject to the))

(8) The secretary may hold the money or property delivered under this section in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability.

(9) Exemptions contained in RCW 74.20A.090 apply to orders to withhold and deliver issued under this section.

(10) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

(11) An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment or garnishment((except for another wage assignment or garnishment for support moneys)).

(12) The office of support enforcement shall notify any person, firm, corporation, association, or political subdivision or department of the state required to withhold and deliver the earnings of a debtor under this action that they may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver.

Sec. 11. Section 12, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 363, Laws of 1987 and by section 15, chapter 435, Laws of 1987 and RCW 26.09.120 are each reenacted and amended to read as follows:

(1) The court shall order support ((and maintenance)) payments, including spousal maintenance if child support is ordered, to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in RCW 26.23.050.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments.

(3) If support or maintenance payments are made to the clerk of court, the clerk:

(a) Shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order((:));

((3)) (b) May by local court rule accept only certified funds or cash as payment((in all cases, the clerk)); and

(c) Shall accept only certified funds or cash for five years in all cases after one check has been returned for nonsufficient funds or account closure.

(4) The parties affected by the order shall inform the registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 12, Section 5, chapter 322, Laws of 1959 as last amended by section 1, chapter 276, Laws of 1985 and RCW 74.20.040 are each amended to read as follows:

(1) Whenever the department of social and health services receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

(2) The secretary may accept a request for support enforcement services on behalf of persons who are not recipients of public assistance and may take appropriate action to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Requests accepted under this subsection may be conditioned upon the payment of a fee as required through regulation issued by the secretary. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, reasonable standards and qualifications for support enforcement services under this subsection.

(3) The secretary may accept requests for support enforcement services from child support enforcement agencies in other states operating child support programs under Title IV-D of the social security act or from foreign countries, and may take appropriate action to establish and enforce support obligations against the parent or other person owing a duty to pay support moneys. ~~((Requests from such agencies must be accompanied by a request for support enforcement services executed by the state agency submitting the application and the person to whom the support moneys were owed authorizing the secretary to initiate appropriate action to establish, enforce, and collect the support obligation on their behalf.))~~ The ~~((application))~~ request shall contain and be accompanied by such information and documentation as the secretary may by rule require, and be signed by an authorized representative of the agency.

(4) The department may take action to establish, enforce, and collect a support obligation, including performing related services, under this chapter and chapter 74.20A RCW, or through the attorney general or prosecuting attorney for action under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state.

~~((4))~~ (5) Whenever a support order is filed with the Washington state support registry under chapter 26.23 RCW, the department may take appropriate action under the provisions of this chapter, chapter 26.23 or 74.20A RCW, or other appropriate law of this state to establish or enforce the support obligations contained in that order against the responsible parent or other persons owing a duty to pay support moneys.

(6) The secretary may charge and collect a fee from the person obligated to pay support to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The fee charged shall be in addition to the support obligation. In no event may any moneys collected by the department of social and health services from the person obligated to pay support be retained as satisfaction of fees charged until all current support obligations have been satisfied. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee.

~~((5))~~ (7) Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

~~((6))~~ (8) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed.

Sec. 13, Section 22, chapter 171, Laws of 1979 ex. sess. as last amended by section 19, chapter 275, Laws of 1988 and RCW 74.20.330 are each amended to read as follows:

(1) Whenever public assistance is paid under this title, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made.

(2) Payment of public assistance under this title shall:

(a) Operate(s) as an assignment by operation of law((:)); and

~~((2) Upon the recipient's request, the department shall continue to establish the support obligation and to enforce and collect the support debt after the family ceases to receive public assistance, and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 (2) and (3). The department shall distribute all amounts collected in accordance with 42 U.S.C. Sec. 657 and RCW 26.23.030.))~~

(b) Constitute an authorization to the department to provide the assistance recipient with support enforcement services.

Sec. 14. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 913, chapter 176, Laws of 1988 and by section 20, chapter 275, Laws of 1988 and RCW 74.20A.030 are each reenacted and amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

~~((Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.~~

~~No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7).))~~

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for ~~((a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 and 26.23.030))~~ so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

~~(4) No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7).~~

Sec. 15. Section 5, chapter 435, Laws of 1987 and RCW 26.23.050 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation~~((,- a))~~:

(a) A provision which orders and directs that the responsible parent ((to)) make all support payments to the Washington state support registry((- or the person entitled to receive the payments if the parties agree to an alternate payment plan and the court finds that the alternate payment plan includes reasonable assurances that payments will be made in a regular and timely manner. The superior court shall also include)); and

(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((-));

(i) If a support payment is ((more than fifteen days past)) not paid when due ((tn)), and an amount equal to or greater than the support payable for one month((-if the court approves an alternate payment plan, the order shall include a statement that the order may be submitted to the Washington state support registry for enforcement if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.)) is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of the court order for orders entered by the court on or after July 1, 1990.

(2) The court may order the responsible parent to make payments directly to the person entitled to receive the payments or, for orders entered on or after July 1, 1990, direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due if the court approves an alternate payment plan. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner. If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due. If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be

taken, without further notice, at any time after a support payment is past due. The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

~~((2))~~ (3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent(;;):

(a) If a support payment is ~~((more than fifteen days past))~~ not paid when due ((m)) and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(b) At any time after entry of the order for administrative orders entered by the court on or after July 1, 1990.

~~((3))~~ (4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due or at any time after the entry of the order, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent(;;):

(i) If a support payment is ~~((more than fifteen days past due in))~~ not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of an order by the court on or after July 1, 1990, unless the court approves an alternate payment plan under subsection (2) of this section;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the ~~((custodial parent))~~ physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children, and

(i) That the parties are to notify the Washington state support registry of any change in residence address.

~~((5))~~ (6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

~~((6))~~ (8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW ~~((74.20A.040))~~ 74.20.040.

~~((7))~~ (9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), (2), or (3) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to

persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

Sec. 16. Section 11, chapter 435, Laws of 1987 and RCW 26.23.110 are each amended to read as follows:

(1) The department (~~shall establish, by regulation, a process that may be utilized~~) may serve a notice of support owed on a responsible parent when a support order;

(a) Does not state the (~~obligation to pay~~) current and future support obligation as a fixed dollar amount(~~or if there is a dispute about the amount of the support debt owed under a support order. This process is authorized in order to~~); or

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the order is needed to determine the amount of the accrued debt and/or the current and future obligation.

(2) The notice of support owed shall facilitate enforcement of the support order(~~or~~) and (~~its intended to~~) implement and effectuate the terms of the order, rather than (~~to~~) modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the order.

(3) The (~~process~~) notice of support owed shall (~~provide for a notice to~~) be served on (~~the~~) a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall contain an initial finding of the amount of current and future support that should be paid and/or the amount of the support debt owed under the support order. (~~A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.~~)

(4) A responsible parent who objects to the amounts stated in the notice has twenty days from the date of the service of the notice to file an application for an adjudicative proceeding or initiate an action in superior court.

(5) The notice shall (~~direct the responsible parent~~) state that the parent may;

(a) File an application for an adjudicative proceeding in which the parent will be required to appear and show cause (~~at a hearing held by the department~~) why the amount (~~of~~) stated in the notice for current and future support (~~to be paid~~) and/or the (~~amount of the~~) accrued support debt is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

(The notice shall provide that the responsible parent has twenty days from the date of the service of the notice to request an administrative hearing or initiate an action in superior court. If the responsible parent does not request a hearing or initiate an action in superior court, the amount of current and future support and/or the amount of the support debt stated in the notice shall be subject to collection action.)

(6) If the parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the amount of current and future support and/or the support debt stated in the notice shall become final and subject to collection action.

(7) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of hearing to the payee under the support order at the payee's last known address. A payee who appears for the hearing shall be allowed to participate. Participation includes, but is not limited to, giving testimony, presenting evidence, being present for or listening to other testimony offered in the proceeding, and offering rebuttal to other testimony. Nothing in this section shall preclude the administrative law judge from limiting participation to preserve the confidentiality of information protected by law.

(8) If the responsible parent does not initiate (~~such~~) an action in superior court, and serve notice of the action on the department within the twenty-day period, the responsible parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW (~~34.04.136~~) 34.05.510 through 34.05.598.

(The administrative hearing shall be a contested hearing under chapter 34.04 RCW and shall be conducted in accordance with the rules and regulations adopted by the department and the office of administrative hearings. A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.)

(9) An administrative order entered in accordance with this section shall state the basis, rationale, or formula upon which the amounts established in the order were based. The amount of current and future support and/or the amount of the support debt determined under this section shall be subject to collection under this chapter and other applicable state statutes.

(10) The (~~regulation~~) department shall also provide for;

(a) An annual review of the support order if either the office of support enforcement or the responsible parent requests such a review; and

(b) A late hearing if the responsible parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

(11) If an annual review or late hearing is requested under subsection (10) of this section, the department shall mail a copy of the notice of hearing to the payee at the payee's last known address. A payee who appears for the proceeding shall be allowed to participate. Participation includes, but is not limited to, giving testimony, presenting evidence, being

present for or listening to other testimony offered in the proceeding, and offering rebuttal to other testimony. Nothing in this section shall preclude the administrative law judge from limiting participation to preserve the confidentiality of information protected by law.

Sec. 17. Section 12, chapter 435, Laws of 1987 and RCW 26.23.120 are each amended to read as follows:

(1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the office of support enforcement, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section.

(2) The secretary of the department of social and health services shall adopt rules which specify the individuals or agencies to whom this information and these records may be disclosed, the purposes for which the information may be disclosed, and the procedures to obtain the information or records. The rules adopted under this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:

(a) When authorized or required by federal statute or regulation governing the support enforcement program;

(b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310;

(c) To government agencies, whether state, local, or federal, and including law enforcement agencies, prosecuting agencies, and the executive branch, if the records or information are needed for child support enforcement purposes;

(d) To the parties in a judicial or formal administrative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;

(e) To private persons or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;

(f) Disclosure of address and employment information to the parties to a court order for support for purposes relating to the establishment, enforcement, or modification of the order;

(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the office of support enforcement as set forth in state and federal statutes; or

(h) Disclosure of the information or records when authorized under RCW 74.04.060.

(3) Prior to disclosing the physical custodian's address (~~information to a party to a child custody order~~) under subsection (1)(f) of this section, a notice shall be mailed, if appropriate under the circumstances, to the physical custodian at the physical custodian's last known address (~~of the party whose address has been requested~~). The notice shall advise the ~~((party))~~ physical custodian that a request for disclosure has been made and will be complied with unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the ~~((other party))~~ physical custodian or the child, or the custodial parent requests a hearing to contest the disclosure. The administrative law judge shall determine whether the address of the custodial parent should be disclosed based on the same standard as a claim of "good cause" as defined in 42 U.S.C. Sec. 602 (a)(26)(c).

(4) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260(5). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.

(5) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW.

Sec. 18. Section 14, chapter 42, Laws of 1975-76 2nd ex. sess. as last amended by section 56, chapter 460, Laws of 1987 and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just(~~(-- PROVIDED HOWEVER, That))~~; The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) ~~(In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:~~

~~(a) The needs of the child;~~

~~(b) The standard of living and circumstances of the parents;~~

~~(c) The relative financial means of the parents;~~

~~(d) The earning ability of the parents;~~

~~(e) The need and capacity of the child for education, including higher education;~~

~~(f) The age of the child;~~

~~(g) The responsibility of the parents for the support of others; and~~

~~(h) The value of services contributed by the custodial parent)) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards adopted under RCW 26.19.040.~~

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 19. Section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 147, Laws of 1983 and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) Except as provided under subsections (1) and (2) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Sec. 20. Section 8, chapter 61, Laws of 1970 ex. sess. as amended by section 1035, chapter 442, Laws of 1987 and RCW 6.27.360 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a lien obtained under RCW 6.27.350 shall have priority over any subsequent garnishment lien or wage assignment except that service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same case is pending at the time of the service of the new writ.

(2) A lien obtained under RCW 6.27.350 shall not have priority over a notice of payroll deduction issued under RCW 26.23.060 or a wage assignment or other garnishment for child support issued under chapters 26.18 and 74.20A RCW.

Sec. 21. Section 6, chapter 231, Laws of 1988 and RCW 6.15.020 are each amended to read as follows:

(1) Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this section, the same shall be exempt to the family as provided in this section. This section shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law.

(2) The right of a person to a pension, annuity, or retirement allowance or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any citizen of the state of Washington under any employee benefit plan, and any fund created by such a plan or arrangement, shall be exempt from execution, attachment, or seizure by or under any legal process whatever(~~(-- PROVIDED, That))~~. This subsection shall not apply to child

support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order (as such term is defined in section 206(d) of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1056(d) or in section 401(a)(13) of the internal revenue code of 1954, as amended).

(3) For the purposes of this section, the term "employee benefit plan" means any plan or arrangement that is subject to the provisions of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Secs. 1001 through 1461 or that is described in sections 401(a), 403(a), 403(b), 408, or 409 (as in effect before January 1, 1984) of the internal revenue code of 1954, as amended, or both (~~PROVIDED, THAT~~). The term "employee benefit plan" shall not include any employee benefit plan that is excluded from the application of the federal employee retirement income security act of 1974, as amended, pursuant to section 4(b)(1) of that act, 29 U.S.C. Sec. 1003(b)(1).

Sec. 22. Section 18, chapter 267, Laws of 1971 ex. sess. as last amended by section 17, chapter 326, Laws of 1987 and RCW 2.10.180 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever.

(2) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(3) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

(4) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, ~~((c))~~ (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((d))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 23. Section 32, chapter 52, Laws of 1982 1st ex. sess. as amended by section 18, chapter 326, Laws of 1987 and RCW 2.12.090 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions of this chapter and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, ~~((c))~~ (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((d))~~ (e) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

Sec. 24. Section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 22, chapter 326, Laws of 1987 and RCW 41.26.180 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department of retirement systems may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the



legal guardian of such child or children. The department of retirement systems may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((d))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 25. Section 59, chapter 80, Laws of 1947 as last amended by section 23, chapter 326, Laws of 1987 and RCW 41.32.590 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible:

(a) Under RCW 41.05.080 from authorizing monthly deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions;

(b) Under a group health care benefit plan approved pursuant to RCW 28A.58.420 or ~~((41.05.025))~~ 41.05.065 from authorizing monthly deductions therefrom, of the amount or amounts of subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance; or

(c) Under the Washington state teachers' retirement system from authorizing monthly deductions therefrom for payment of dues and other membership fees to any retirement association composed of retired teachers and/or public employees pursuant to a written agreement between the director and the retirement association.

Deductions under (a) and (b) of this subsection shall be made in accordance with rules and regulations that may be promulgated by the director of retirement systems.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((d))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 26. Section 24, chapter 261, Laws of 1945 as last amended by section 3, chapter 205, Laws of 1979 ex. sess. and RCW 41.24.240 are each amended to read as follows:

The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this chapter, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law ~~((PROVIDED, That))~~. This section shall not be applicable to any child support collection action taken under chapter 26.18, 26.23, or 74.20A RCW. Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Nothing in this chapter shall be construed to deprive any fireman, eligible to receive a pension hereunder, from receiving a pension under any other act to which he may become eligible by reason of services other than or in addition to his services as a fireman under this chapter.

Sec. 27. Section 39, chapter 274, Laws of 1947 as last amended by section 20, chapter 107, Laws of 1988 and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in

accordance with rules and regulations that may be promulgated by the state health care authority and/or the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ((f)) (e) any administrative or court order expressly authorized by federal law.

Sec. 28. Section 24, chapter 71, Laws of 1947 as amended by section 7, chapter 205, Laws of 1979 ex. sess. and RCW 41.44.240 are each amended to read as follows:

The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever (~~PROVIDED, That~~). This section shall not apply to child support collection actions taken under chapter 26.18, 26.23, or 74.20A RCW against benefits payable under any such plan or arrangement. Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 29. Section 43.43.310, chapter 8, Laws of 1965 as last amended by section 1, chapter 63, Laws of 1987 and by section 25, chapter 326, Laws of 1987 and RCW 43.43.310 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ((f)) (e) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington, or for contributions to the Washington state patrol memorial foundation.

Sec. 30. Section 12, chapter 164, Laws of 1971 ex. sess. as amended by section 3, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.20A.120 are each amended to read as follows:

~~((in the case of a bank, bank association, mutual savings bank, or savings and loan association maintaining branch offices, service of))~~ A lien ~~((or)),~~ order to withhold and deliver, or any other notice or document authorized by this chapter or chapter 26.23 RCW may be served on the main office of a bank, savings and loan association, or credit union or on a branch office of such financial institution. Service on the main office shall ((only)) be effective ((as)) to ((the)) attach the deposits of a responsible parent in the financial institution and compensation payable for personal services due the responsible parent from the financial institution. Service on a branch office shall be effective to attach the deposits, accounts, credits, or other personal property of the ((debtor)) responsible parent, excluding compensation payable for personal services, in the possession or control of the particular branch ((upon which service is made)) served.

If the department initiates collection action under this chapter against a community bank account, the debtor or the debtor's spouse, upon service on the department of a timely request, shall have a right to a ~~((contested))~~ hearing under chapter ~~((34.04))~~ 34.05 RCW to establish that the funds in the account, or a portion of those funds, were the earnings of the nonobligated spouse, and are exempt from the satisfaction of the child support obligation of the debtor pursuant to RCW 26.16.200.

Sec. 31. Section 8, chapter 435, Laws of 1987 and RCW 26.23.100 are each amended to read as follows:

The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may

grant relief only upon a showing that the payroll deduction causes extreme hardship or substantial injustice or that the ~~((responsible parent))~~ support payment was not ~~((more than fifteen days))~~ past due in an amount equal to or greater than the support payable for one month when the notice of payroll deduction was served on the employer. Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the obligor's support obligation is current, upon motion of the obligor, the court may order the Washington state support registry to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

Sec. 32. Section 6, chapter 435, Laws of 1987 and RCW 26.23.060 are each amended to read as follows:

(1) ~~((If a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the office of support enforcement is authorized to))~~ The department may serve a notice of payroll deduction upon ((am)) a responsible parent's employer for child support obligations ((in compliance with RCW 26.23.050 (1), (2), or (3))) if the responsible parent fails to pay child support as due in an amount equal to or greater than the support payable for one month. Service shall be by personal service or by any form of mail requiring a return receipt.

(2) Service of a notice of payroll deduction upon an employer requires an employer to immediately make a mandatory payroll deduction from the responsible parent/employee's unpaid disposable earnings. The employer shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent/employee's disposable earnings.

(3) A notice of payroll deduction for support shall have priority over any wage assignment or garnishment.

(4) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the employee;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(5) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(6) An employer who receives a notice of payroll deduction shall make immediate deductions from the employee's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the employee is due to be paid.

(7) An employer, upon whom a notice of payroll deduction is served, shall make an answer to the Washington state support registry within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer, whether the employer anticipates paying earnings and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known.

(8) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

(9) The notice of payroll deduction shall remain in effect until released by the office of support enforcement or the court enters an order terminating the notice and approving an alternate payment plan under RCW 26.23.050(2).

NEW SECTION. Sec. 33. A new section is added to chapter 26.23 RCW to read as follows:

(1) The office of support enforcement, Washington state support registry, shall provide support enforcement services under the following circumstances:

(a) Whenever public assistance under RCW 74.20.330 is paid;

(b) Whenever a request for nonassistance support enforcement services under RCW 74.20.040(2) is received;

(c) Whenever a request for support enforcement services under RCW 74.20.040(3) is received;

(d) When a support order which contains language directing a responsible parent to make support payments to the Washington state support registry under RCW 26.23.050 is submitted;

(e) When a support order is forwarded to the Washington state support registry by the clerk of a superior court under RCW 26.23.050(5);

(f) When the obligor submits a support order or support payment to the Washington state support registry.

(2) The office of support enforcement shall continue to provide support enforcement services for so long as and under such conditions as the department shall establish by regulation or until the superior court enters an order approving an alternate payment plan as provided for in RCW 26.23.050(1).

NEW SECTION. Sec. 34. A new section is added to chapter 26.23 RCW to read as follows:

(1) The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under federal law. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.

(2) Distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

Sec. 35. Section 18, chapter 171, Laws of 1979 ex. sess. as last amended by section 14, chapter 276, Laws of 1985 and RCW 74.20A.270 are each amended to read as follows:

The secretary may issue a notice of ~~((support debt))~~ noncompliance to any person, firm, corporation, association or political subdivision of the state of Washington or any officer or agent thereof who has violated chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW, if the support moneys have not been remitted to the department as required by law.

The notice shall describe the claim of the department, stating the legal basis for the claim and shall provide sufficient detail to enable the person, firm, corporation, association or political subdivision or officer or agent thereof upon whom service is made to identify the support moneys in issue or the specific violation of RCW 74.20A.100 that has occurred. The notice may also make inquiry as to relevant facts necessary to the resolution of the issue.

The notice may be served by certified mail, return receipt requested, or in the manner of a summons in a civil action. Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested.

The notice shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The answer shall also either acknowledge the department's right to the moneys or request an administrative hearing to contest the allegation that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been violated, or determine the rights to ownership of the support moneys in issue. The hearing shall be held pursuant to this section, chapter ~~((34-04))~~ 34.05 RCW, and the

rules of the department and shall be ~~((a-contested case))~~ an adjudicative proceeding as provided for in chapter ~~((34-04))~~ 34.05 RCW. The burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent, is on the department.

If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW 26.23.040. Any such debtor may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for a hearing upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on any appeal made pursuant to chapter ~~((34-04))~~ 34.05 RCW. Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim, shall be held in trust pending final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

If the hearing is granted it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to the hearing is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings or during any appeal made to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

The hearing shall be an ((contested case)) adjudicative proceeding as provided for in chapter ~~((34-04))~~ 34.05 RCW and shall be held pursuant to this section, chapter ~~((34-04))~~ 34.05 RCW, and the rules of the department. The hearing shall be promptly scheduled within thirty days from the date of receipt of the answer by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

If the debtor fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter an initial decision and order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action. Within thirty days of entry of the decision and order the debtor may petition the secretary or the secretary's designee to vacate the decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

The hearing and review process shall be as provided for in RCW 74.20A.055.

If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in these proceedings, the judgment shall supersede the final order in these proceedings. Any debt determined by the superior court in excess of the amount determined by the final order in these proceedings shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or 74.20.330. The department may, despite any final order in these proceedings, take action pursuant to chapters 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing.

If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to RCW 74.20.320 and this section to assess a debt against a recipient or ex-recipient for receipt of support moneys paid in satisfaction of the debt assigned under RCW 74.20.330 which have been assigned to the department but were received by a recipient or ex-recipient from another responsible parent and not remitted to the department. To collect these wrongfully retained funds from the recipient, the department may not take collection action in excess of ten percent of the grant payment standard during any month the public assistance recipient remains in that status unless required by federal law. Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section.

Sec. 36. Section 17, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.160 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section the court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in RCW 26.26.130 (3) and (4), and RCW 26.26.150(2) upon showing a substantial change of circumstances. The procedures set forth in RCW 26.09.175 shall be used in modification proceedings under this section.

(2) A judgment or order entered under this chapter may be modified without a showing of substantial change of circumstances upon the same grounds as RCW 26.09.170 permits support orders to be modified without a showing of a substantial change of circumstance.

Sec. 37. Section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 26, chapter 263, Laws of 1984 and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (8) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(8) ~~((A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior~~

to the date of the final proceeding)) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 38. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 275, Laws of 1988 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined pursuant to the schedule adopted under RCW 26.19.040. The court may require ~~((annual adjustments of support based upon changes in a party's income or the child's needs, or based upon changes in the child support schedule))~~ periodic adjustments of support.

Sec. 39. Section 4, chapter 435, Laws of 1987 and RCW 26.23.040 are each amended to read as follows:

~~((1) The legislature recognizes that, in order for the support registry to operate in an effective and efficient manner and to ensure that delinquent child support payments will be enforced and collected promptly, especially when the responsible parent is employed and earning regular wages, current employment information must be available to the registry. The legislature also recognizes that the current employer reporting requirements to the department of employment security are not sufficient to facilitate the efforts of the registry to operate effectively and efficiently and collect delinquent payments promptly. Finally, the legislature recognizes that it may not be reasonable to create several different employer reporting systems because of the burdens that would be imposed on employers, especially small businesses. Therefore, the legislature directs the secretary of social and health services and the commissioner of employment security to work with business and employer groups to devise a single reporting process which will meet the needs of both departments and which will provide for prompt and timely employer reporting. The secretary and the commissioner shall prepare and submit a joint report to the judiciary and commerce and labor committees of the house of representatives and the senate by November 1, 1987. The report shall describe the progress that has been made in devising a new reporting system and shall include any recommendations for legislative action that have been agreed upon by the departments and the business and employer groups.~~

~~(2) The report shall include exemptions from the reporting requirement for employees employed for less than two months duration, whether they are full-time or part-time employees or employed on a sporadic basis, employees who earn less than three hundred dollars per month, and other appropriate exemptions. The report shall also provide for simple methods for employers to use in reporting information to the registry which shall include mailing a copy of the W-4 form, calling a toll-free telephone number maintained by the registry, or by other authorized means. The reporting process established by the report shall be designed to provide for up-to-date employment reports without imposing undue burdens on employers and small businesses.~~

~~(3) The secretary and the commissioner shall prepare and submit a report to the judiciary and commerce and labor committees of the house of representatives and the senate by January 25, 1989. This report shall describe the system or systems in effect at that time for employer reporting, identify any problems with the system or systems, include an assessment of the costs associated with the system or systems and the benefits derived from the information reported, if these costs and benefits can be quantified and identified, assess the additional work load for employers to comply with reporting requirements, propose a means by which employers may be compensated for their costs to comply with the reporting requirements, and include recommendations for legislative action if appropriate.~~

~~(4)) (1) Except as provided in subsection (3) of this section, all employers doing business in the state of Washington, and to whom the department of employment security has assigned the standard industrial classification sic codes listed in subsection (2) of this section, shall report to the Washington state support registry:~~

~~(a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and~~

~~(b) The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.~~

~~(2) Employers in the standard industrial classifications that shall report to the Washington state support registry include:~~

~~(a) Construction industry sic codes: 15, building; and 16, other than building;~~

~~(b) Manufacturing industry sic code 37, transportation equipment;~~

(c) Wholesale trade industry sic codes: 73, business services, except sic code 7362 (temporary help supply services); and 80, health services.

(3) Employers are not required to report the hiring of any person who:

(a) Will be employed for less than one month's duration;

(b) Will be employed sporadically so that the employee will be paid for less than three hundred fifty hours during a continuous six-month period; or

(c) Will have gross earnings less than three hundred dollars in every month.

The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting.

(4) Employers may report by mailing the employee's copy of the W-4 form, or other means authorized by the registry which will result in timely reporting.

(5) Employers shall submit reports within thirty-five days of the hiring, rehiring, or return to work of the employee. The report shall contain:

(a) The employee's name, address, social security number, and date of birth; and

(b) The employer's name, address, and employment security reference number or unified business identifier number.

(6) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil penalty of up to two hundred dollars per reporting period, for each subsequent violation. The penalty may be imposed and collected by the office of support enforcement under RCW 74.20A.270.

(7) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support obligation or debt of the employee. If the employee does not owe such an obligation or a debt, the registry shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed.

(8) This section shall expire on July 1, 1993.

NEW SECTION. Sec. 40. A new section is added to chapter 26.23 RCW to read as follows:

The legislative budget committee shall conduct a study of the effectiveness of the reporting program contained in RCW 26.23.040. The study shall include a cost-benefit analysis using accepted accounting practices, control group comparisons of responsible parent work history and support payment history between industries and employers who report and those who do not, statistical detail by standard industrial code to describe (1) the percentage of reports made to the support registry, (2) the percentage of resulting matches with open support enforcement cases, and (3) the level of recovery of delinquent child support, a review of alternative or expedited reporting procedures utilizing new hire data from other public or private sources, control group comparisons regarding the responsible parent work history and support payment history using existing or expedited data sources compared with the employer reporting program, and recommendations as to expansion, termination, or enhancement of the reporting program.

The secretary of the department of social and health services and the commissioner of employment security shall provide necessary data and assistance to conduct the employer reporting program and the study and participate in the review of alternative reporting procedures. The department of social and health services shall reimburse the legislative budget committee and the employment security department for necessary expenses subject to the approval of the office of financial management.

The committee shall prepare and submit a report to the appropriate committees of the house of representatives and senate by November 7, 1992.

Sec. 41. Section 1, chapter 440, Laws of 1987 as amended by section 4, chapter 275, Laws of 1988 and RCW 26.19.030 are each amended to read as follows:

(1) A child support schedule commission is established. The commission shall review and propose changes to the child support schedule and review and adopt changes to the worksheets and instructions.

(2) The commission shall be composed of the secretary of social and health services or the secretary's designee and ~~(ten)~~ eleven other members. Eight members shall be appointed by the governor, subject to confirmation by the senate, as follows: (a) A superior court judge; (b) a representative from the state bar association; (c) an attorney representing indigent persons in Washington; (d) two other persons who have demonstrated an interest or expertise in the study of economic data or child support issues, one of whom shall be a non-custodial parent; and (e) three public members who represent the affected populations, two of whom shall be non-custodial parents. ~~(Two)~~ Three members shall be the administrator for the courts or his or her designee ~~(and)~~, the attorney general or his or her designee, and the chief administrative law judge or his or her designee. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; and of the state bar association in respect to the state bar association and indigent attorney representatives.

(3) The secretary of social and health services or the secretary's designee shall serve as chair of the commission.



(4) The secretary, administrator for the courts, chief administrative law judge, and attorney general shall serve on the commission while holding their respective positions. The term of the remaining members of the commission shall be three years, except that members serving on the commission as of March 24, 1988, shall serve staggered terms which shall be determined by lot, but shall not serve longer than three years from the date of appointment unless reappointed for an additional three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated under RCW 43.03.240.

(6) The office of the administrator for the courts and the office of support enforcement shall provide clerical and other support to the commission to enable it to perform its functions. The office of support enforcement shall be responsible for travel expenses and compensation of commission members.

(7) The commission shall invite public participation and input, particularly from persons who are affected by child support orders.

(8) This section shall expire July 1, 1990.

NEW SECTION. Sec. 42. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 164, Laws of 1971 ex. sess., section 17, chapter 183, Laws of 1973 1st ex. sess., section 33, chapter 435, Laws of 1987 and RCW 74.20A.190; and

(2) Section 16, chapter 275, Laws of 1988 and RCW 26.26.131.

NEW SECTION. Sec. 43. (1) Sections 9, 10, and 16 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 31 of this act shall take effect July 1, 1990."

On motion of Senator Pullen, the following amendments by Senators Pullen and Talmadge to the Committee on Law and Justice amendment were considered simultaneously and were adopted:

On page 1, beginning on line 9, strike "(1)"

On page 1, beginning on line 12, strike "(((1))) (a)" and insert "(1)"

On page 1, beginning on line 18, strike "(((2))) (b)" and insert "(2)"

On page 1, beginning on line 24, strike "(c)" and insert "(3)"

On page 1, line 26, after "entered" insert "after the effective date of this act"

On page 1, line 28, after "RCW 74.20A.020(6)" insert ", which is issued after the effective date of this act"

On page 2, beginning on line 1, strike the following:

"(2) The provisions of this 1989 amendatory act apply to all past due child support payments that are not barred by operation of this section before the effective date of this act."

On page 2, line 16, after "len" insert "entered after the effective date of this act"

On page 2, line 19, after "ordered," insert "All judgments entered after the effective date of this act shall contain the birth date of the youngest child for whom support is ordered."

On page 2, beginning on line 20, strike the following:

"(3) The provisions of this 1989 amendatory act apply to all judgments for past due child support which are not barred by operation of this section before the effective date of this act."

#### MOTION

Senator Owen moved that the following amendments by Senators Owen, McDonald and Stratton to the Committee on Law and Justice amendment be considered simultaneously and be adopted:

On page 18, line 15, after "; strike "and"

On page 18, line 29, after "1990" insert "; and

(c) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child"

On page 47, line 20, before "in" insert "(1)"

On page 47, line 29, after "support," insert the following:

"(2) A parent who (a) is required to pay child support in excess of three hundred dollars per month and (b) is current in his or her child support obligation may file a motion for an accounting of how the support is being spent by the receiving parent. The motion shall be accompanied by an affidavit setting forth facts that establish reasonable cause to believe that a substantial portion of the child support is not benefitting the child for whom is intended. The motion and affidavit shall also be served on the parent receiving the child support payments.

(3) If the court determines that the motion and affidavit establish reasonable cause, it shall require the receiving parent to appear at a certain time and place for a hearing on the motion. The court shall require the parent receiving the support to present such records and information as it determines are necessary to establish how the child support is spent.

(4) If after hearing the court determines that a substantial portion of the child support payments are not benefitting the child, the court shall enter an appropriate order directing the receiving parent to spend the child support to benefit the child.

(5) Unless the court has entered an order under subsection (4) of this section, a parent may not file a motion under this section more frequently than once every twelve months.

(6) If after hearing the court determines that the motion was not brought in good faith or that the motion was brought to harass the parent receiving the child support, the court shall award reasonable costs and attorney's fees to the receiving parent."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Niemi, what is the law at the present time regarding guardians and guardians ad litem? Does that require an annual report and accounting to the court?"

Senator Niemi: "It certainly does."

Senator Rasmussen: "Thank you, Senator Niemi."

Further debate ensued.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the series of amendments by Senators Owen, McDonald and Stratton expand the scope and object of Engrossed Substitute House Bill No. 1635. In particular, this is a bill relating to the collection of child support obligations. It is a request of the Department of Social and Health Services. It pertains specifically and exclusively to the process by which support obligations are collected. Senator Owen, by his own admission, in his remarks on the amendments, is attempting to deal with the issue of accountability with respect to child support. It does not pertain to the collection of child support and, therefore, I believe the amendments expand the scope and object of Engrossed Substitute House Bill No. 1635."

Further debate ensued.

#### MOTION

On motion of Senator Hayner, further consideration of Engrossed Substitute House Bill No. 1635 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1444, by Committee on Education/Appropriations (originally sponsored by Representatives Peery, Betrozoff, G. Fisher, Holland, Walker, May, O'Brien, Locke, Winsley, Bowman, Moyer, Valle, Horn, D. Sommers, Ferguson, Wineberry, Rector, Prentice, R. King, Sprengle, Basich, Dorn, Rust, Todd and H. Myers) (by request of Governor Gardner)

Revising programs for students at risk.

The bill was read the second time.

#### MOTION

Senator Saling moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"STUDENTS AT RISK

PART I

LEARNING ASSISTANCE PROGRAM FOR STUDENTS AT RISK OF DROPPING OUT

Sec. 1. Section 1, chapter 478, Laws of 1987 and RCW 28A.120.010 are each amended to read as follows:

The legislature finds that an important and effective means of improving the educational performance of many students with special needs is to improve the general education program. The legislature also finds that there is a continuum of educational program needs among students with learning problems or poor academic performance. The legislature wants to encourage school districts to serve students with special needs within the regular classroom. Therefore, the legislature intends to replace the remediation program with a broader range of program options, without reducing special instructional programs when those services are both necessary and appropriate. The legislature intends to enhance the ability of basic education teachers to identify and address learning problems within the regular classroom. The legislature further intends to stimulate development by local schools and school districts of innovative and effective means of serving students with special needs. The goal is to increase the achievement of students with special needs in a shorter period of time using processes that are more timely, appropriate and effective in producing better outcomes.

Sec. 2. Section 4, chapter 478, Laws of 1987 and RCW 28A.120.016 are each amended to read as follows:

Each school district which applies for state funds distributed pursuant to RCW 28A.120.022 shall conduct a needs assessment and, on the basis of its findings, shall develop a plan for the use of these funds. The plan may incorporate plans developed by each eligible school. Districts are encouraged to place special emphasis on addressing the needs of students in the early grades. The needs assessment and plan shall be updated at least biennially, and shall be determined in consultation with an advisory committee including but not limited to members of the following groups: Parents, including parents of students served by the program; teachers; principals; administrators; and school directors. The district shall submit a biennial application specifying this plan to the office of the superintendent of public instruction for approval. Plans shall include:

(1) The means which the district will use to identify participating students to receive additional services or support under the proposed program;

(2) The specific services or activities which the funds will be used to support, and their estimated costs;

(3) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and a plan for reporting the results of this evaluation to the superintendent of public instruction;

(4) Procedures for recordkeeping or other program documentation as may be required by the superintendent of public instruction; and

(5) The approval of the local school district board of directors.

Sec. 3. Section 6, chapter 478, Laws of 1987 and RCW 28A.120.020 are each amended to read as follows:

Services or activities which may be supported under an approved program of learning assistance shall include but not be limited to:

(1) Consultant teachers to assist classroom teachers in meeting the needs of participating students;

(2) Instructional support staff and instructional assistants to assist classroom teachers in meeting the needs of participating students;

(3) In-service training for classroom teachers, instructional support staff, and instructional assistants in multicultural differences and the identification of learning problems or in instructional methods for teaching students with learning problems;

(4) Special instructional programs for participating students, of sufficient size, scope, and quality to address the needs of these students and to give reasonable promise of substantial progress toward(s) meeting their educational objectives;

(5) Tutoring assistance during or after school or on Saturday provided by instructional support staff, a student tutor, teacher, or instructional assistant;

(6) In-service training for parents of participating students; and

(7) Counseling, with an emphasis on services for elementary students who are in need of learning assistance, provided by instructional support staff such as school counselors, school psychologists, school nurses, and school social workers. Pursuant to the provisions of section 4(2) of this act, learning assistance funds may be used to provide counseling for students who in the absence of counseling would likely become in need of such learning assistance.

Sec. 4. Section 7, chapter 478, Laws of 1987 and RCW 28A.120.022 are each amended to read as follows:

(1) Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance.

(2) In those districts receiving learning assistance funds in which students' test scores improve, districts may retain learning assistance funds based on the state-wide average of students eligible for participation in the learning assistance program, or the district's current level of funding under the learning assistance program, whichever is higher: PROVIDED, That only those learning assistance funds which are retained but would have been reduced due to improved student test scores, may be used for district identified purposes: PROVIDED FURTHER, That districts shall consider, as the first priority, expending such retained funds on prevention and intervention programs for students in grades preschool through sixth grade.

(3) The superintendent of public instruction shall review this allocation method and submit a report to the legislature by December 1, 1991. The report shall include but is not limited to the following information:

(a) An analysis of the impact of the allocation method and any recommendations regarding the continuation or discontinuation of the allocation method;

(b) A comparison of students' test scores for each district participating in the learning assistance program for the 1988-89 and 1990-91 school years against the test scores of students in the district for the 1986-87 and 1987-88 school years; and

(c) An analysis of how districts expended unencumbered learning assistance funds, if any, resulting from the allocation method. The distribution formula in this section is for allocation purposes only.

## PART II

### SUBSTANCE ABUSE AWARENESS

Sec. 5. Section 206, chapter 518, Laws of 1987 and RCW 28A.120.032 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to implement this section, RCW 28A.120.030, and ((RCW)) 28A.120.034 through 28A.120.050 and shall distribute to school districts on a grant basis, from moneys appropriated for the purposes of this section, RCW 28A.120.030 and ((RCW)) 28A.120.034 through 28A.120.050, funds for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The following program areas may be funded through moneys made available for this section, RCW 28A.120.030, and ((RCW)) 28A.120.034 through 28A.120.050, including but not limited to:

(1) Comprehensive program development;

(2) Prevention programs directed at addressing addictive substances such as alcohol, drugs, and nicotine;

(3) Elementary identification and intervention programs including counseling programs;

(4) Secondary identification and intervention programs including counseling programs;

(5) School drug and alcohol core team development and training;

(6) Development of referral and preassessment procedures;

(7) Aftercare;

(8) Drug and alcohol specialist;

(9) Staff, parent, student, and community training; and

(10) Coordination with law enforcement, community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

## PART III

### HIGH SCHOOL DROP-OUT RATE REDUCTION

NEW SECTION. Sec. 6. The legislature finds that high schools and high school programs designed to meet the diverse needs of students can be an important factor in decreasing the dropout rate. The development of alternative high schools, schools-within-schools, student-centered collaborative learning communities utilizing interdisciplinary strategies, and subject-matter-related schools is encouraged.

High schools are also encouraged to develop programs providing for flexibility in daily, weekly, monthly, and yearly schedules. High schools are further encouraged to develop flexible teaching arrangements, including tutor programs which may include the use of adults, high school students, or college students as tutors, with particular encouragement to consider seeking persons from ethnic and racial minority groups to serve as tutors.

High schools are also encouraged to use research that has been proven effective and has produced significant outcomes in working with both potential dropouts and dropouts.

NEW SECTION. Sec. 7. (1) beginning with the 1989-1990 school year and concluding at the end of the 1993-1994 school year, any student who has dropped out of high school for six weeks or longer, or has returned from participation in a substance abuse treatment program, or is about to become or is a teen parent, or has returned from hospitalization due to a mental health problem may choose to attend any other high school in the state regardless of residence. Students may attend high school in a nonresident school district only if they are accepted by the high school and pursuant to policies and procedures of the nonresident school district. Receiving school districts may not charge nonresident students tuition. Schools and districts are encouraged to accept students who choose to transfer if they meet these conditions. Basic education funding allocations from the state shall follow the students.

(2) The superintendent of public instruction shall report to the legislature and the governor by December 1, 1994, on the student enrollment patterns pursuant to the provisions of this section.

(3) This section shall expire December 31, 1994.

PART IV  
FLEXIBLE SCHEDULING

NEW SECTION. Sec. 8. A new section is added to chapter 28A.41 RCW to read as follows:

The superintendent of public instruction shall establish procedures to allow school districts to claim basic education allocation funds for students attending classes that are provided outside the regular school year to the extent such attendance is in lieu of attendance during the regular school year: PROVIDED, That nothing in this section shall be construed to alter the basic education allocation for which the district is otherwise eligible.

Sec. 9. Section 13, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 189, Laws of 1985 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days: ((~~Saturday~~)) Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday in February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day, the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

PART V  
CORE COMPETENCIES

NEW SECTION. Sec. 10. (1) The state board of education, in consultation with the superintendent of public instruction, the higher education coordinating board, the state board for community college education, the state board for vocational education in the office of the governor, institutions of higher education, and other appropriate agencies, shall study and evaluate strategies to replace the use of carnegie units (seat time) with core competencies, including critical thinking skills, to evaluate student performance.

(2) The study shall take into consideration relevant information from projects under the schools for the twenty-first century program pursuant to RCW 28A.100.030 through 28A.100.038, the report of the temporary committee on the assessment and accountability of educational outcomes pursuant to section 4, chapter 401, Laws of 1987, and information as may be available from any field tests of educational outcomes and indicators as may be established pursuant to RCW 28A.100.017.

(3) The state board of education shall report the study findings and recommendations to the legislature, the governor, the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the state board for vocational education in the office of the governor by December 1, 1990.

(4) This section shall expire December 31, 1990.

PART VI  
PILOT PROGRAM FOR PREVENTION OF LEARNING PROBLEMS

NEW SECTION. Sec. 11. (1) The superintendent of public instruction may select up to five school districts to participate in a pilot program for prevention of learning problems and academic delays. The program shall begin with the 1989-90 school year and conclude at the end of the 1990-91 school year.

(2) If at the end of a pilot school year the number of specific learning disabled students served by a participating school district in handicapped education programs has decreased as a result of the pilot project, the district shall be reimbursed based upon the number of specific learning disabled students served in special education during the school year prior to commencement of the pilot project. These funds will be used to support the pilot project for prevention of learning problems and academic delays: PROVIDED, That school districts participating in the pilot prevention program established under this section who have ongoing pilot projects previously approved by the superintendent of public instruction shall utilize the school year prior to initiation of such pilot project as the base for the reimbursement calculation under this subsection when the number of specific learning disabled students identified has decreased as a result of participation in the pilot program established under this section.

(3) School districts applying to participate in the pilot program established under this section shall submit to the superintendent of public instruction a proposed program budget for the 1989-90 school year and a preliminary budget plan for the 1990-91 school year. These proposed budgets or budget plans shall outline the resources to be used by the district in the identification and early prevention of learning problems. Districts selected to participate shall submit an updated budget proposal to the superintendent of public instruction prior to the 1990-91 school year.

(4) Applications submitted by school districts shall also include:

(a) Assurances that the school district will not deny access to special education programs for handicapped students entitled to services under chapter 28A.13 RCW;

(b) A description of methods to be used by the district to identify students for additional instruction or other services provided under the pilot project;

(c) A description of the types of instructional programs or services to be used in prevention of learning problems;

(d) A plan for evaluating the effectiveness of the district's project at the end of the 1990-91 school year, using student test scores and other indicators of academic progress and, as appropriate, vocational progress, as determined by the district; and

(e) Other information as may be required by the superintendent of public instruction.

(5) For the purposes of this section, "state allocation for handicapped students" includes state handicapped education moneys allocated for students served in special education programs provided under chapter 28A.13 RCW and basic education allocations generated by such students under the state funding formula adopted pursuant to RCW 28A.41.140.

(6) This section shall expire December 31, 1991.

**NEW SECTION.** Sec. 12. (1) Prior to December 1, 1991, the superintendent of public instruction shall submit a report on the pilot program established under section 11 of this act to the legislature and the governor. The report shall include an analysis of the effectiveness of the program and recommendations on whether the program should be continued or expanded to other districts.

(2) This section shall expire December 31, 1991.

#### PART VII

#### OUTCOMES-BASED LEARNING ASSISTANCE EDUCATION RECOGNITION AWARD PROGRAM

**NEW SECTION.** Sec. 13. (1) The superintendent of public instruction shall develop and implement by December 1, 1991, an outcomes-based learning assistance education recognition program to recognize schools, or school districts, or both, for the development and use of outcomes-based learning assistance education programs which have resulted in significant and continuous improvement in students' basic and work skills performance.

(2) The superintendent of public instruction shall develop separate awards under the recognition program for each basic skills and work skills category as defined under RCW 28A.58.754, including an award for outcomes-based health and physical education learning assistance education programs. The superintendent shall also develop an award for interdisciplinary outcomes-based learning assistance education programs and an award for outcomes-based positive discipline learning assistance education programs.

The superintendent may develop a separate award for other desired outcomes identified by school districts and communities pursuant to local student learning objectives required under RCW 28A.58.090 and self-study processes required under RCW 28A.58.085.

(3) In developing the recognition program, the superintendent shall consult with school districts and take into consideration:

(a) Relevant information from projects under the schools for the twenty-first century program pursuant to RCW 28A.100.030 through 28A.100.038;

(b) The report of the temporary committee on the assessment and accountability of educational outcomes pursuant to section 4, chapter 401, Laws of 1987;

(c) Information as might become available from any field tests of educational outcomes and indicators as may be established pursuant to RCW 28A.100.017;

(d) The results of the core competencies study pursuant to section 10 of this act; and

(e) Information from the model curriculum programs or curriculum guidelines developed pursuant to RCW 28A.03.425.

(4) The superintendent of public instruction is encouraged to link the outcomes-based learning assistance education recognition program with student learning objectives required under RCW 28A.58.090 and school and school district progress under the self-study requirements pursuant to RCW 28A.58.085.

(5) The superintendent of public instruction is encouraged to review the relationship between poverty and student performance and, as appropriate, incorporate such relationship as an element in proposed criteria or guidelines for selecting schools or districts for awards under the outcomes-based learning assistance education recognition program.

#### PART VIII

#### MISCELLANEOUS

**NEW SECTION.** Sec. 14. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of this act.

**NEW SECTION.** Sec. 15. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction to carry out the purpose of section 13 of this act.

**NEW SECTION.** Sec. 16. Subchapter headings used in this act do not constitute any part of the law.

#### MOTIONS

On motion of Senator Bailey, the following amendment to the Committee on Education amendment was adopted:

On page 8, after line 32 of the amendment, insert the following:

\*NEW SECTION. Sec. 6. A new section is added to Title 28A RCW to read as follows:

To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall adopt a written policy mandating a prohibition on the use of all tobacco products on public school property. A total ban on the use of all tobacco products shall be enforced by September 1, 1991. The policy may allow for exemptions from this prohibition with regard to alternative educational programs."

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

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Pullen and Bailey to the Committee on Education amendment was adopted:

On page 10, after line 28 of the amendment, insert the following:

\*Sec. 8. Section 222, chapter 518, Laws of 1987 and RCW 28A.58.217 are each amended to read as follows:

(1) ~~((School districts are hereby authorized to))~~ The superintendent of public instruction shall contract with the University of Washington for the education of (~~eligible academically~~) highly capable (~~high school~~) students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school(s)) as are now or hereafter established and maintained by the University of Washington.

(2) ~~((School districts may authorize))~~ The superintendent of public instruction ((to)) shall allocate directly to the University of Washington all ((or a portion)) of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under chapter 28A.16 RCW, and federal moneys generated by a student while attending ((a)) an early entrance program or transition school at the University of Washington ((early entrance or transition school pursuant to this section directly to the university. PROVIDED That)). The allocations shall be according to each student's school district of residence. The expenditure of such ((state)) moneys shall be ((expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment)) limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

~~((3))~~ (4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter ~~((34-04))~~ 34.05 RCW implementing subsection (2) of this section before August 31, 1989."

#### MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Warnke to the Committee on Education amendment be adopted:

On page 18, after line 33 of the committee amendment, insert the following:

\*NEW SECTION. Sec. 14. A new section is added to Title 28A RCW to read as follows:

(1) The superintendent of public instruction shall develop a model curriculum or curriculum guidelines for an outcomes-based health and physical education learning assistance education program. The curriculum shall be designed to coordinate the health and physical education related requirements under this title and the appropriate offering of those requirements to students enrolled in kindergarten through twelfth grades.

(2) Each school district board of directors shall implement an outcomes-based health and physical education program incorporating the health and physical education requirements under this title. The program shall provide for the appropriate offering of those requirements to students enrolled in kindergarten through twelfth grades. School district boards of directors shall develop a curriculum for their district or adopt the model curriculum or curriculum guidelines developed under subsection (1) of this section. The program shall include methods of assessing the outcomes.

(3) In developing the program, each district is encouraged to consider the criteria and guidelines to be developed under section 13 of this act."

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

#### POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this amendment on scope and object. This amendment takes the subject of a whole other bill that would establish a comprehensive health education plan in every grade from K to twelve, and

mandates that every school implement that plan. I believe that this is far beyond what the original scope of the bill was."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of the amendment by Senators Rinehart and Warnke on page 18, after line 33, to the Committee on Education amendment was deferred.

#### MOTION

Senator Bailey moved that the following amendment to the Committee on Education amendment be adopted:

On page 18, after line 33 of the amendment, insert the following:

**"NEW SECTION, Sec. 14.** A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education may adopt rules requiring school district boards of directors to set limits or proscribe certain disciplinary practices that are found to hinder the development locally of positive discipline learning assistance education environments."

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

#### POINT OF ORDER

Senator Craswell: "Mr. President, I would challenge this amendment on scope and object. This amendment addresses a policy on corporal punishment. The bill has nothing to do with corporal punishment and I suggest it's beyond the scope and object."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of the amendment by Senator Bailey on page 18, after line 33, to the Committee on Education amendment was deferred.

#### MOTION

Senator Talmadge moved that the following amendment to the Committee on Education amendment be adopted:

On page 18, after line 35 of the amendment, insert the following:

"Sec. 14. Section 13, chapter 278, Laws of 1984 and RCW 28A.16.060 are each amended to read as follows:

Local school districts (~~may~~) shall establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules and regulations adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 18, after line 35, to the Committee on Education amendment to Engrossed Substitute House Bill No. 1444.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.



## MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1444 was deferred.

## SECOND READING

HOUSE BILL NO. 1042, by Representatives G. Fisher, Baugher, Schmidt, R. Meyers, Hankins, Winsley and Gallagher (by request of Washington State Patrol)

Revising braking equipment requirements for trucks.

The bill was read the second time.

## MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 3, line 6, after "eighty-five" strike "psig" and insert "pounds per square inch (psi)"

On motion of Senator Nelson, the rules were suspended, House Bill No. 1042, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1042, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Barr - 1.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 1042, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:16 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:22 by President Pro Tempore Bluechel.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1894, by Committee on Health Care (originally sponsored by Representatives Braddock, D. Sommers, Brooks, Sprengle, Vekich, Day, Cantwell, Wolfe, Morris, Chandler, Patrick, Valle, Dellwo, Rector, Nelson and Phillips)

Making technical changes in dental hygiene and dentistry.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following Committee on Health Care and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. REQUIREMENTS FOR LICENSURE. (1) The department shall issue a license to any applicant who, as determined by the director:

(a) Has successfully completed an educational program approved by the director. This educational program shall include course work encompassing the subject areas within the scope of the license to practice dental hygiene in the state of Washington;

(b) Has successfully completed an examination administered by the dental hygiene examining committee; and

(c) Has not engaged in unprofessional conduct or is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applications for licensure shall be submitted on forms provided by the department. The department may require any information and documentation necessary to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086. The fee shall be submitted with the application.

**NEW SECTION. Sec. 2. RENEWALS.** The director shall establish by rule the requirements for renewal of licenses. The director shall establish a renewal and late renewal penalty fee as provided in RCW 43.24.086. Failure to renew invalidates the license and all privileges granted by the license. The director shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and requirements for relicensure.

**NEW SECTION. Sec. 3. DENTAL HYGIENE EXAMINING COMMITTEE—CREATION—MEMBERSHIP—TERMS—REMOVAL.** There shall be a dental hygiene examining committee consisting of three practicing dental hygienists and one public member appointed by the director, to be known as the Washington dental hygiene examining committee. Each dental hygiene member shall be licensed and have been actively practicing dental hygiene for a period of not less than five years immediately before appointment and shall not be connected with any dental hygiene school. The public member shall not be connected with any dental hygiene program or engaged in any practice or business related to dental hygiene. Members of the committee shall be appointed by the director to prepare and conduct examinations for dental hygiene licensure. Members shall be appointed to serve for terms of three years from October 1 of the year in which they are appointed. Terms of the members shall be staggered. Each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified. Any member of the committee may be removed by the director for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon. Members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4. COMMITTEE'S AUTHORITY.** The director in consultation with the Washington dental hygiene examining committee shall:

(1) Adopt rules in accordance with chapter 34.05 RCW necessary to prepare and conduct examinations for dental hygiene licensure;

(2) Require an applicant for licensure to pass an examination consisting of written and practical tests upon such subjects and of such scope as the committee determines;

(3) Set the standards for passage of the examination;

(4) Administer at least two examinations each calendar year in conjunction with examinations for licensure of dentists under chapter 18.32 RCW. Additional examinations may be given as necessary; and

(5) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 5. DIRECTOR'S AUTHORITY.** In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) Establish forms necessary to administer this chapter;

(3) Issue a license to any applicant who has met the education and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. Proceedings concerning the denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) Employ clerical, administrative, and investigative staff as needed to implement and administer this chapter and hire individuals, including those licensed under this chapter, to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) Maintain the official departmental record of all applicants and licensees;

(6) Establish, by rule, the minimum education requirements for licensure, including but not limited to approval of educational programs; and

(7) Establish and implement by rule a continuing education program.

**NEW SECTION. Sec. 6. APPROVAL OF EDUCATIONAL PROGRAMS.** The director shall establish by rule the standards and procedures for approval of educational programs and may contract with individuals or organizations having expertise in the profession or in education to report to the director information necessary for the director to evaluate the educational programs. The director may establish a fee for educational program evaluation. The fee shall be set to defray the administrative costs for evaluating the educational program, including, but not limited to, costs for site evaluation.

**NEW SECTION. Sec. 7. EXAMINATIONS.** (1) The director shall establish the date and location of the examination. Applicants who meet the education requirements for licensure shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The examination shall contain subjects appropriate to the scope of practice and on laws in the state of Washington regulating dental hygiene practice.

(3) The committee shall establish by rule the requirements for a reexamination if the applicant has failed the examination.

(4) The committee may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

NEW SECTION. Sec. 8. IMMUNITY. The director, members of the committee, and individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

NEW SECTION. Sec. 9. COMMITTEE MEETINGS—QUORUM—EFFECT OF VACANCY. The committee shall meet at least once a year and at such times as may be necessary for the transaction of business.

A majority of the committee shall constitute a quorum.

A vacancy in the committee membership shall not impair the right of the remaining members of the committee to exercise any power or to perform any duty of the committee, so long as the power is exercised or the duty performed by a quorum of the committee.

NEW SECTION. Sec. 10. EXEMPTIONS FROM CHAPTER. The following practices, acts, and operations are excepted from the operation of this chapter:

(1) The practice of dental hygiene in the discharge of official duties by dental hygienists in the United States armed services, coast guard, public health services, veterans' bureau, or bureau of Indian affairs;

(2) Dental hygiene programs approved by the director and the practice of dental hygiene by students in dental hygiene programs approved by the director, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW acting as instructors.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of the law.

Sec. 12. Section 31, chapter 16, Laws of 1923 as last amended by section 21, chapter 7, Laws of 1985 and RCW 18.29.060 are each amended to read as follows:

Upon passing an examination and meeting the requirements as provided in ~~((RCW 18.29-031))~~ section 1 of this 1989 act, the director of licensing shall issue to the successful applicant a license as dental hygienist. The license shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

Sec. 13. Section 1, chapter 130, Laws of 1951 as last amended by section 35, chapter 158, Laws of 1979 and RCW 18.32.030 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless ~~((he))~~ the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States ~~((army-navy))~~ federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved ~~((by the board))~~ under RCW 18.32.040, and the practice of dentistry by students in Washington state dental schools or colleges approved by the board, when acting under the direction and supervision of ~~((registered and))~~ Washington state-licensed ~~((dentists acting as instructors))~~ dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the board of dental examiners;

(5) The use of roentgen and other rays for making ~~((radiograms))~~ radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by ~~((said))~~ the dentist, and ~~((said))~~ the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licensing or ~~((his))~~ the director's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) ~~((A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;~~

~~(10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college;~~

~~((11)) The performing of dental operations or services by persons not licensed under this chapter when performed under the supervision of a licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall in no event perform the following dental operations or services unless permitted to be performed by ~~((him)) the person~~ under ~~((other provisions of))~~ this chapter or chapters 18.29, 18.57, 18.71, and 18.88 RCW:~~

- ~~(a) Any removal of or addition to the hard or soft tissue of the oral cavity;~~
- ~~(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;~~
- ~~(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;~~
- ~~(d) Any oral prophylaxis;~~
- ~~(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.~~

Sec. 14. Section 2, chapter 112, Laws of 1935 as last amended by section 50, chapter 279, Laws of 1984 and RCW 18.32.035 are each amended to read as follows:

There shall be a board of dental examiners consisting of nine practicing dentists, at least three of whom reside east of the summit of the Cascade range, and one consumer member, to be known as the Washington state board of dental examiners.

The members shall be appointed by the governor in the manner hereinafter set forth and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry ~~((or dental surgery as hereinafter))~~ as defined in this chapter and must have been for a period of five years or more legally licensed to practice dentistry ((or dental surgery)) in this state~~((PROVIDED, HOWEVER, That))~~. No person ~~((shall be))~~ is eligible to appointment to ~~((said))~~ the board who is in any way connected with or interested in any dental college or dental department of any institution of learning. Members shall be appointed to the board to serve for terms of five years from ~~((July 1))~~ January 1st of the year in which they are appointed, and shall hold office until their successors are appointed.

In case of a vacancy occurring on ~~((said))~~ the board, ~~((such))~~ the vacancy shall be filled by the governor as ~~((herein))~~ provided in this section for the remainder of the term of the vacancy and the appointee shall hold office until a successor is appointed.

The board ~~((shall have the power to employ))~~ may contract with competent persons on a temporary basis to assist in ((conducting)) developing or administering examinations for licensure.

The board ~~((shall have the authority to))~~ may enter into compacts and agreements with other states and with organizations formed by several states, for the purpose of conducting multi-state licensing examinations. The board may enter into such compacts and agreements even though they would result in the examination of a candidate for a license in this state by an examiner or examiners from another state or states, and even though ((they)) the compacts and agreements would result in the examination of a candidate or candidates for a license in another state or states by an examiner or examiners from this state.

The board of dental examiners may adopt rules in accordance with chapter 34.05 RCW to implement this chapter and chapter 18.130 RCW.

Sec. 15. Section 3, chapter 112, Laws of 1935 and RCW 18.32.037 are each amended to read as follows:

The board shall ~~((choose))~~ designate one of its members ~~((president))~~ as chairperson and one as secretary ~~((thereof))~~, and it shall meet at least once in each year, and ~~((oftener))~~ more often if necessary, ((in)) at the discretion of the director or board, and at such times and places as ~~((he or it may))~~ the director or the board deems proper. A majority of the members of ~~((said))~~ the board ~~((shall, at all times,))~~ currently serving constitutes a quorum for the transaction of the business of the board~~((and the proceedings thereof shall, at all reasonable times, be open to public inspection))~~.

Sec. 16. Section 5, chapter 112, Laws of 1935 as amended by section 2, chapter 38, Laws of 1979 and RCW 18.32.040 are each amended to read as follows:

~~((Said board shall make rules and regulations to establish a uniform and reasonable standard of educational requirements to be observed by dental schools, colleges, or dental departments of universities, and said board may determine the reputability of these by reference to their compliance with said rules or regulations.))~~

The board shall ~~((demand))~~ require that every applicant for a license to practice dentistry shall:

(1) ~~((Be a graduate or have fifteen units of high school work in acceptable subjects from a high or other secondary school approved by the board;~~

~~((2)) Present satisfactory evidence of ((completion of pre-dental and dental education under one of the following plans:~~

~~((a) Completion of a minimum of thirty semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental~~

college, school, or dental department of an institution requiring four courses of instruction of at least eight months each, approved by the board:

(b) ~~Completion of a minimum of sixty semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental school, college, or dental department of an institution requiring three courses of at least eight months each, approved by the board:~~

~~(3)) graduation from a dental college, school, or dental department of an institution approved by the board:~~

~~(2) Submit, for the files of the board, a recent picture duly identified and attested(;;); and~~

~~((4) Pass an examination given by the board of dental examiners in the theory and practice of the science of dentistry: PROVIDED, That the board may recognize a certificate granted by the national board of dental examiners in lieu of, or subject to, such examination as may be required: PROVIDED FURTHER, That the board may recognize passage of an examination given by another state or states, or by an organization formed by several states, with which the board has entered into a formal compact or agreement for the purpose of conducting a multi-state license examination: PROVIDED, HOWEVER, That nothing in this chapter shall be construed to prevent any dental school which may desire to do so from establishing for admission a higher standard of preliminary education than specified in this chapter.))~~

~~(3) Pass an examination prepared or approved by and administered under the direction of the board. The dentistry licensing examination shall consist of practical and written tests upon such subjects and of such scope as the board determines. The board may accept, in lieu of all or part of a written examination, a certificate granted by a national or regional testing organization approved by the board. The board shall set the standards for passing the examination. The director of licensing shall keep on file the examination papers and records of examination for at least one year. This file shall be open for inspection by the applicant or the applicant's agent unless the disclosure will compromise the examination process as determined by the board or is exempted from disclosure under RCW 42.17.250 through 42.17.340.~~

Sec. 17. Section 3, chapter 93, Laws of 1953 as last amended by section 30, chapter 287, Laws of 1984 and RCW 18.32.050 are each amended to read as follows:

The members of the board shall each be compensated in accordance with RCW ~~((43.03-240))~~ 43.03.250 and shall be reimbursed for travel expenses incurred in attending the meetings of the board in accordance with RCW 43.03.050 and 43.03.060. Board members shall be compensated and reimbursed pursuant to this section for their activities in administering a multi-state licensing examination pursuant to the board's compact or agreement with another state or states or with organizations formed by several states: PROVIDED, That any compensation or reimbursement received by a board member from another state, or organization formed by several states, for such member's services in administering a multi-state licensing examination, shall be deposited in the health professions account of the state general fund.

Sec. 18. Section 4, chapter 112, Laws of 1935 as last amended by section 28, chapter 52, Laws of 1957 and RCW 18.32.100 are each amended to read as follows:

The applicant for a dentistry license shall file an application on a form furnished by the director, ~~((and therein state his))~~ stating the applicant's name, age, place of residence, ((citizenship)) the name of the school or schools attended by ((him)) the applicant, the period of such attendance, the date of ((his)) the applicant's graduation, whether ((he)) the applicant has ever been ((suspended or disbarred from)) the subject of any disciplinary action related to the practice of dentistry, and shall include a statement of all of ((his)) the applicant's dental activities ((for the previous five years)). This shall include any other information deemed necessary by the board.

The application shall be signed by the applicant and sworn to by ~~((him)) the applicant~~ before some person authorized to administer oaths, and shall be accompanied by ~~((testimonials of his moral character, and))~~ proof of ~~((his)) the applicant's~~ school attendance and graduation.

~~((Said applicant at the time of making application must, in addition to other requisites, be a citizen of the United States or have first papers for naturalization.))~~

Sec. 19. Section 29, chapter 52, Laws of 1957 as last amended by section 23, chapter 7, Laws of 1985 and RCW 18.32.110 are each amended to read as follows:

Except as otherwise provided in RCW 18.32.210, ~~((as now or hereafter amended))~~ each applicant shall pay a fee determined by the director as provided in RCW 43.24.086, which shall accompany ~~((his)) the application((- PROVIDED, That applicants not licensed in another state and not residents of this state for at least six consecutive months shall pay an additional investigation fee determined by the director as provided in RCW 43.24.086)).~~

Sec. 20. Section 5, chapter 93, Laws of 1953 as last amended by section 24, chapter 7, Laws of 1985 and RCW 18.32.120 are each amended to read as follows:

When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the ~~((director, which time shall be not less than sixty days after the receipt of such application by the director:~~

Examination shall be made in writing in all theoretic subjects. Both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery)) board.

The examination papers, and all grading thereon, and the grading of the practical work, shall be (~~deemed public documents, and~~) preserved for a period of not less than (~~three years~~) one year after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Any applicant who fails to make the required grade (~~in his first examination is entitled to take as many subsequent examinations as he desires upon the prepayment of a fee determined by the director as provided in RCW 43.24.086 for each subsequent examination. At least two examinations shall be given in each calendar year~~) by his or her fourth examination may be reexamined only under rules adopted by the board.

Applicants for examination or reexamination shall pay a fee as determined by the director as provided in RCW 43.24.086.

Sec. 21. Section 17, chapter 112, Laws of 1935 as amended by section 3, chapter 130, Laws of 1951 and RCW 18.32.160 are each amended to read as follows:

All licenses issued by the director on behalf of the board shall be signed by (~~him and by all members~~) the director or chairperson and secretary of the board (~~provided that all licenses issued to applicants who are not naturalized citizens of the United States shall be conditioned upon full citizenship being acquired within a period of six years from issuance of said licenses, and any holder failing to so qualify shall not be eligible for renewal of his license until full citizenship is acquired. This limitation shall not apply to dentists fully registered and licensed at the effective date of this act~~).

Sec. 22. Section 24, chapter 112, Laws of 1935 as last amended by section 26, chapter 7, Laws of 1985 and RCW 18.32.180 are each amended to read as follows:

(1) Every person (~~granted a license under this chapter shall pay to the director a license renewal~~) licensed to practice dentistry in this state shall register with the director of licensing, and pay a renewal registration fee determined by the director as provided in RCW 43.24.086 (~~for the year commencing with the first day of October next following the issuance of his license, and annually thereafter. Payment must be made within thirty days following the commencement of the year for which the same accrues. The license renewal certificate issued by the director shall be indispensable evidence that the same has been made.~~

The failure of any licensed dentist to pay his annual license renewal fee by the first day of November following the date on which the fee was due shall work a forfeiture of his license. It shall not be)). Any failure to register and pay the renewal registration fee renders the license invalid, and the practice of dentistry shall not be permitted. The license shall be reinstated (~~except~~) upon written application to the director and (~~the~~) payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086, together with all (~~annual~~) delinquent license renewal fees (~~delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement~~).

(2) A person who fails to renew the license for a period of three years may not renew the license under subsection (1) of this section. In order to obtain a license to practice dentistry in this state, such a person shall file an original application as provided for in this chapter, along with the requisite fees. The board, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

Sec. 23. Section 14, chapter 112, Laws of 1935 and RCW 18.32.220 are each amended to read as follows:

Anyone who is a (~~legal and competent practitioner of dentistry or dental surgery~~) licensed dentist in the state of Washington (~~and of good moral character and known to the board of dental examiners of this state as such~~); who desires to change (~~his or her~~) residence to another state or territory, shall, upon application to the (~~board of dental examiners~~) director and payment of a fee as determined by the director under RCW 43.24.086, receive a certificate over the signature of the (~~president and secretary of said board~~) director or the director's designee, which shall attest to the facts (~~above~~) mentioned in this section, and giving the date upon which (~~he was registered and~~) the dentist was licensed.

Sec. 24. Section 37, chapter 5, Laws of 1977 ex. sess. as amended by section 39, chapter 259, Laws of 1986 and RCW 18.32.500 are each amended to read as follows:

RCW 18.32.510 through (~~18.32.620~~) 18.32.--- (RCW 18.32.360 as recodified by this 1989 act) shall be known and may be cited as the "Dental Disciplinary Board Act".

Sec. 25. Section 2, chapter 5, Laws of 1977 ex. sess. as last amended by section 40, chapter 259, Laws of 1986 and RCW 18.32.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510 through (~~18.32.620~~) 18.32.--- (RCW 18.32.360 as recodified by this 1989 act).

(1) "Board" means the dental disciplinary board created in RCW 18.32.560.

(2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) "Member" means member of the dental disciplinary board.

(4) "Secretary" means the secretary of the dental disciplinary board.

(5) "Director" means the director of licensing of the state of Washington.

(6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 26. Section 3, chapter 5, Laws of 1977 ex. sess. as amended by section 41, chapter 259, Laws of 1986 and RCW 18.32.530 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in RCW 18.32.530 through ~~((18.32.620))~~ 18.32.--- (RCW 18.32.360 as recodified by this 1989 act) includes gross, willful, or continued overcharging for professional services.

Sec. 27. Section 10, chapter 5, Laws of 1977 ex. sess. as amended by section 31, chapter 287, Laws of 1984 and RCW 18.32.600 are each amended to read as follows:

Members of the board shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 while engaged in business of the board.

NEW SECTION. Sec. 28. A new section is added to chapter 18.32 RCW, to be codified between RCW 18.32.030 and 18.32.050, to read as follows:

A member of the board of dental examiners may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the board has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement showing the governor's reasons, with the order of removal. The secretary of state shall immediately send a certified copy of the order of removal and statement of causes by certified mail to the last known address of the member in question.

NEW SECTION. Sec. 29. A new section is added to chapter 18.29 RCW to read as follows:

An applicant holding a valid license and and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the director in consultation with the advisory committee determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the director in consultation with the advisory committee may require the applicant to: (1) File with the director documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the director deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to the director a knowledge of Washington law pertaining to the practice of dental hygiene.

NEW SECTION. Sec. 30. A new section is added to chapter 18.32 RCW to read as follows:

An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the board determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the board may require the applicant to: (1) File with the board documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the board deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to the board a knowledge of Washington law pertaining to the practice of dentistry.

NEW SECTION. Sec. 31. There is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1991, the sum of one hundred nineteen thousand nine hundred sixty-nine dollars, or as much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 32. The following sections are recodified within the dental disciplinary board act in chapter 18.32 RCW:

- (1) RCW 18.32.085;
- (2) RCW 18.32.290;
- (3) RCW 18.32.310;
- (4) RCW 18.32.320;
- (5) RCW 18.32.322;
- (6) RCW 18.32.324;
- (7) RCW 18.32.326;
- (8) RCW 18.32.328;
- (9) RCW 18.32.330;
- (10) RCW 18.32.340;
- (11) RCW 18.32.350; and
- (12) RCW 18.32.360.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

(1) Section 28, chapter 16, Laws of 1923, section 1, chapter 47, Laws of 1969, section 21, chapter 292, Laws of 1971 ex. sess., section 24, chapter 30, Laws of 1975 1st ex. sess., section 30, chapter 158, Laws of 1979, section 19, chapter 7, Laws of 1985 and RCW 18.29.020;

(2) Section 14, chapter 168, Laws of 1983, section 29, chapter 287, Laws of 1984 and RCW 18.29.031;

(3) Section 33, chapter 16, Laws of 1923, section 3, chapter 47, Laws of 1969, section 25, chapter 30, Laws of 1975 1st ex. sess., section 20, chapter 7, Laws of 1985 and RCW 18.29.040;

(4) Section 32, chapter 16, Laws of 1923, section 5, chapter 47, Laws of 1969, section 26, chapter 30, Laws of 1975 1st ex. sess., section 33, chapter 158, Laws of 1979, section 22, chapter 7, Laws of 1985 and RCW 18.29.070;

(5) Section 21, chapter 112, Laws of 1935 and RCW 18.32.070;

(6) Section 13, chapter 112, Laws of 1935, section 4, chapter 49, Laws of 1969, section 32, chapter 30, Laws of 1975 1st ex. sess., section 27, chapter 7, Laws of 1985 and RCW 18.32.210; and

(7) Section 15, chapter 112, Laws of 1935, section 33, chapter 30, Laws of 1975 1st ex. sess., section 28, chapter 7, Laws of 1985 and RCW 18.32.225.

NEW SECTION. Sec. 34. Sections 1 through 11 of this act are each added to chapter 18.29 RCW."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "amending RCW 18.29.060, 18.32.030, 18.32.035, 18.32.037, 18.32.040, 18.32.050, 18.32.100, 18.32.110, 18.32.120, 18.32.160, 18.32.180, 18.32.220, 18.32.500, 18.32.520, 18.32.530, and 18.32.600; adding new sections to chapter 18.29 RCW: adding new sections to chapter 18.32 RCW: recodifying RCW 18.32.085, 18.32.290, 18.32.310, 18.32.320, 18.32.322, 18.32.324, 18.32.326, 18.32.328, 18.32.330, 18.32.340, 18.32.350, and 18.32.360; repealing RCW 18.29.020, 18.29.031, 18.29.040, 18.29.070, 18.32.070, 18.32.210, and 18.32.225; and making an appropriation."

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1894, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1894, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1894, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1894, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5960, by Senators Nelson, Talmadge and Niemi

Defining and providing indigent defense services.

#### MOTION

On motion of Senator Pullen, Second Substitute Senate Bill No. 5960 was substituted for Senate Bill No. 5960 and the second substitute bill was placed on second reading and read the second time.

There being no objection, the President Pro Tempore deferred further consideration of Second Substitute Senate Bill No. 5960.

There being no objection, the President Pro Tempore deferred further consideration of Second Substitute Senate Bill No. 5960.



## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1397, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Baugher, Nealey, Sprengle, Doty, Chandler, Beck, Heavey, Haugen, Sayan, Jones, Phillips, Crane, H. Myers, Inslee and Todd) (by request of Governor Gardner)

Regarding water use efficiency and conservation.

The bill was read the second time.

## MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 225, Laws of 1971 ex. sess. as amended by section 2, chapter 399, Laws of 1987 and RCW 90.54.020 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state.

(7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Sec. 2. Section 8, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.005 are each amended to read as follows:

It is the policy of the state to promote the use of the public waters in a fashion which provides for obtaining maximum net benefits arising from both diversionary uses of the state's public waters and the retention of waters within streams and lakes in sufficient quantity and quality to protect instream and natural values and rights. Consistent with this policy, the state supports economically feasible and environmentally sound development of physical facilities through the concerted efforts of the state with the United States, public corporations, Indian tribes, or other public or private entities. Further, based on the tenet of water law which precludes wasteful practices in the exercise of rights to the use of waters, the department of ecology shall reduce these practices to the maximum extent practicable, taking into account sound principles of water management, the benefits and costs of improved water use efficiency, and the most effective use of public and private funds, and, when appropriate, to work to that end in concert with the agencies of the United States and other public and private entities.

NEW SECTION. Sec. 3. (1) Nothing in this act shall affect or operate to impair any existing water rights.

(2) Nothing in this act shall be used to prevent future storage options, recognizing that storage may be necessary as a method of conserving water to meet both instream and out-of-stream needs.

(3) Nothing in this act shall infringe upon the rate-making prerogatives of any public water purveyor.

(4) Nothing in this act shall preclude the joint select committee on water resource policy from reviewing any subject matter contained herein for any future modifications.

Sec. 4. Section 13, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.120 are each amended to read as follows:

For the purposes of this chapter, unless the context is clearly to the contrary, the following definitions shall be used:

(1) "Department" means department of ecology.

(2) "Utilize" or "utilization" shall not only mean use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes, but includes the retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes, upon which economic values have not been placed historically and are difficult to quantify.

(3) "Water use efficiency" means those measures, projects, practices, or techniques which result in a net water savings that cost less than obtaining an equivalent amount of water from the next least costly source of supply.

(4) "Greywater" means water collected from the shower, bath, kitchen and bathroom sinks, and washing machine.

NEW SECTION. Sec. 5. A new section is added to chapter 90.54 RCW to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to section 12(1) of this act.

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use

and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

Sec. 6. Section 37, chapter 117, Laws of 1917 as amended by section 92, chapter 109, Laws of 1987 and RCW 90.03.360 are each amended to read as follows:

The owner or owners of any ditch or canal shall maintain, to the satisfaction of the department of ecology, substantial controlling works, and a measuring device at the point where the water is diverted, and these shall be so constructed and maintained as to permit (of) accurate measurement and practical regulation of the flow of water diverted into said ditch or canal. Every owner or manager of a reservoir for the storage of water shall construct and maintain, when required by the department, any measuring device necessary to ascertain the natural flow into and out of said reservoir.

Metering of diversions or measurement by other approved methods may be required as a condition for all new water right permits. The department may also require, as a condition for such permits, reports regarding such metered diversions as to the amount of water being diverted. Such reports shall be in a form prescribed by the department.

NEW SECTION, Sec. 7. A new section is added to chapter 90.44 RCW to read as follows:

The department of ecology may require withdrawals of ground water to be metered, or measured by other approved methods, as a condition for a new water right permit. The department may also require, as a condition for such permits, reports regarding such withdrawals as to the amount of water being withdrawn. These reports shall be in a form prescribed by the department.

NEW SECTION, Sec. 8. A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW that implement and incorporate the water conservation performance standards in subsections (3) and (4) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection (3) of this section shall take effect on July 1, 1990. The standards in subsection (4) of this section shall take effect July 1, 1993.

(3) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	3.5 gpf.
Flushometer-valve toilets	3.5 gpf.
Flushometer-tank toilets	3.5 gpf.
Electromechanical hydraulic toilets	3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

Bathroom faucets	3.0 gpm.
Lavatory faucets	3.0 gpm.
Kitchen faucets	3.0 gpm.
Replacement aerators	3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

(4) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	1.6 gpf.
Flushometer-tank toilets	1.6 gpf.
Electromechanical hydraulic toilets	1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

Bathroom faucets	2.5 gpm.
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Lavatory faucets .....	2.5 gpm.
Kitchen faucets .....	2.5 gpm.
Replacement aerators .....	2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

(5) The building code council shall make an assessment regarding the low-volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low-volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.

The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.

(6) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection (3) or (4) of this section.

Sec. 9. Section 5, chapter 360, Laws of 1985 and RCW 19.27.031 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in section 8 of this act, the Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The council may issue opinions relating to the codes at the request of a local building official.

**NEW SECTION.** Sec. 10. A new section is added to chapter 90.48 RCW to read as follows:

The department of ecology shall require sewer plans to include a discussion of water conservation measures considered or underway and their anticipated impact on public sewer service.

**NEW SECTION.** Sec. 11. A new section is added to chapter 90.54 RCW to read as follows:

(1) The department of ecology may establish a task force to assist in a state-wide evaluation of irrigated areas, not to exceed six months in duration, to determine the associated impacts of efficiency measures, efficiency opportunities, and local interest. The department and the task force shall establish a list of basin and stream efficiency initiatives and select an irrigation area for a voluntary demonstration project.

(2) Prior to conducting conservation assessments and developing conservation plans, the department of ecology shall secure technical and financial assistance from the bureau of reclamation to reduce the costs to the state to the extent possible.

(3) A "conservation assessment" as described in this section shall be conducted before a demonstration project to increase the efficiency of irrigated agriculture is undertaken for an irrigated area, a basin, subbasin, or stream. The conservation assessment should:

(a) Evaluate existing patterns, including current reuse of return flows, and priorities of water use;

(b) Assess conflicting needs for future water allocations and claims to reserved rights;

(c) Evaluate hydrologic characteristics of surface and ground water including return flow characteristics;

(d) Assess alternative efficiency measures;

(e) Determine the likely net water savings of efficiency improvements including the amount and timing of water that would be saved and potential benefits and impacts to other

water uses and resources including effects on artificial recharge of ground water and wetland impacts;

(f) Evaluate the full range of costs and benefits that would accrue from various measures; and

(g) Evaluate the potential for integrating conservation efforts with operation of existing or potential storage facilities.

(4) The conservation assessment shall be used as the basis for development of a demonstration conservation plan to rank conservation elements based on relative costs, benefits, and impacts. It shall also estimate the costs of implementing the plan and propose a specific basis for cost share distributions.

The demonstration conservation plan shall be developed jointly by the department and a conservation plan formulation committee consisting of representatives of a cross-section of affected local water users, members of the public, and tribal governments. Other public agencies with expertise in water resource management may participate as nonvoting committee members. A proposed demonstration conservation plan may be approved by the department and the committee only after public comment has been received.

(5) The department shall reimburse any members of the task force in subsection (2) of this section or of the committee in subsection (4) of this section who are not representing governmental agencies or entities for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 12. A new section is added to chapter 43.20 RCW to read as follows:

Consistent with the water resource planning process of the department of ecology, the department of social and health services shall, contingent on the availability of funds:

(1) Develop procedures and guidelines relating to water use efficiency, as defined in section 4(3) of this act, to be included in the development and approval of cost-efficient water system plans required under RCW 43.20.050;

(2) Develop criteria, with input from technical experts, with the objective of encouraging the cost-effective reuse of greywater and other water recycling practices, consistent with protection of public health and water quality; and

(3) Provide advice and technical assistance upon request in the development of water use efficiency plans and model rate-setting formulas.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "conservation," strike the remainder of the title and insert "amending RCW 90.54.020, 90.03.005, 90.54.120, 90.03.360, and 19.27.031; adding new sections to chapter 90.54 RCW; adding new sections to chapter 19.27 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and creating a new section."

#### MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1397, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1397, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1397, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kredler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Smith - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1397, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1952 and the pending amendment by Senators Craswell and Rasmussen on page 2, line 12, deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling on the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 1952 is a measure which, among other things, alters the powers granted in a Durable Power of Attorney by extending those powers to include health care decisions, subject to certain exemptions.

"The amendment proposed by Senators Craswell and Rasmussen also deals with the health care powers of a Durable Power of Attorney and exempts the power to withhold or withdraw nutrition or hydration from the principal in certain situations.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Craswell and Rasmussen on page 2, line 12, was ruled in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Craswell and Rasmussen on page 2, line 12, to Substitute House Bill No. 1952.

Debate ensued.

#### REQUEST FOR ACTION ON MOTION

Senator Talmadge requested that Senator Vognild's motion to move Substitute House Bill No. 1952 to the bottom of the second reading calendar, invoking Rule 64, be acted upon at this time.

Senator Newhouse suggested that the vote on the amendment be taken before the bill is referred to the bottom of the second reading calendar.

Further debate on the amendment by Senators Craswell and Rasmussen ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Craswell and Rasmussen on page 2, line 12, to Substitute House Bill No. 1952.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Johnson, McCaslin, McDonald, Metcalf, Nelson, Owen, Pullen, Rasmussen, Smith, Stratton, Sutherland, Thorsness, West - 20.

Voting nay: Senators Bauer, Bender, Bluechel, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McMullen, Moore, Murray, Newhouse, Niemi, Rinehart, Salling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Absent: Senators Conner, Patterson - 2.

Excused: Senator DeJarnatt - 1.

#### MOTION WITHDRAWN

On motion of Senator Vognild, the motion to move Substitute House Bill No. 1952 to the bottom of the second reading calendar was withdrawn.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1952 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1952.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1952 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Craswell, Pullen, Smith, Stratton - 4.

Absent: Senator Conner - 1.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 1952, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5213.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5213.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001.

## MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:31 p.m. by President Pro Tempore Bluechel.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9112, Thomas H. Nixon, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

## APPOINTMENT OF THOMAS H. NIXON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hansen, Hayner, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Amondson, Craswell, Johnson, Lee, Moore - 5.

Excused: Senator DeJarnatt - 1.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1334, by Representatives Rasmussen, Peery, Moyer, Dorn, Walker, Brumsickle, Betzoff, K. Wilson, Fuhrman, Fraser, McLean, Spanel, Anderson, Sayan, Hargrove, Phillips, Beck, Winsley, Basich, Cooper, Kremen, Valle, Grant, Belcher, Heavey, May, Vekich, Rust, Scott, Rayburn, Patrick, Bowman, Day, Wineberry, Jesernig, Rector, O'Brien, Locke, Smith, P. King, Pruitt, H. Myers, Silver, Doty and Crane

Encouraging senior citizens to volunteer as teacher's aides.

The bill was read the second time.

## MOTIONS

Senator Bailey moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. A new section is added to Title 28A RCW to read as follows:

(1) Senior citizens have a wealth of experience and knowledge which can be of value to the children of our state. To encourage the exchange of knowledge and experience between senior citizens and our children, the six-plus-sixty volunteer program is created. The purpose of the program is to encourage senior citizens to volunteer in our public schools.

(2) The superintendent of public instruction may grant funds to selected school districts for planning and implementation of a volunteer program utilizing senior citizens. The funds may be used to provide information on volunteer opportunities to the community, to schools, and to senior citizens and may also be used to provide training to the senior citizens who participate in the program. Funds may also be used to compensate volunteers for their transportation costs by paying mileage, providing transportation on school buses, and providing a school lunch.

(3) The superintendent shall appoint an advisory committee composed of certificated and noncertificated staff, administrators, senior citizens, and the state center for voluntary action under chapter 43.150 RCW. The committee shall propose criteria to the superintendent to evaluate grant proposals for the six-plus-sixty volunteer program.\*

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Anderson to the Committee on Education amendment was adopted:

On page 2, after line 12, insert the following:

\*NEW SECTION, Sec. 2. (1) The superintendent of public instruction shall develop a model intergenerational child care program. The superintendent of public instruction shall design the program to:

(a) Provide child care to children five years of age and under, whose mothers are under the age of eighteen, and other children five years of age and under as space is available;

(b) Involve senior citizens in the community in the provision of care and also involve in the provision of care other persons in the community including students at public and private colleges and universities and students at vocational-technical institutes;

(c) Seek funding from multiple sources, including but not limited to, business and industry, private foundations, local governments, the federal government, and other state agencies;

(d) Select at least one site for the program, in an area that has a rate of teenage pregnancy higher than the state-wide average and also has a large senior citizen population;

(e) Develop innovative service delivery models including combining programs which may include existing programs such as: Project even start under chapter 28A.130 RCW; the early childhood education and assistance program under chapter 28A.34A RCW; a before-and-after school care program authorized under chapter 28A.34 RCW; a child care program at a college or university; and an existing child care program funded with any combination of private or public moneys; and

(f) Select facilities, if possible, that have access to or are part of other community services such as senior centers, community centers, park facilities, schools, colleges or universities, vocation-technical institutes, private business or industry, or health care institutions.

(2) In developing and implementing the program, the department shall work with state, federal, and local agencies.\*

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed House Bill No. 1334.

The Committee on Education amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Bailey, the following title amendments were considered simultaneously and were adopted:



On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "and adding a new section to Title 28A RCW."

On page 2, line 18 of the title amendment, strike "and"

On page 2, line 19 of the title amendment, after "RCW" insert "; and creating a new section"

On motion of Senator Bailey, the rules were suspended, Engrossed House Bill No. 1334, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, I'm just reading the amendment that was adopted. It says, 'The Superintendent of Public Instruction shall develop a model child-care program.' Is Senator McDonald aware of the directions that we're giving to the Superintendent? Is he going to take care of that in the budget?"

Senator Bailey: "Yes, I think Senator McDonald is aware of the amendment."

Senator Rasmussen: "But, he may or may not take care of it in the budget?"

Senator Bailey: "I think Senator McDonald will take care of it, but I will let Senator McDonald speak for himself."

Senator Rasmussen: "The reason I'm asking is that once you develop the plan, it becomes pretty expensive to provide child-care for all the children under five and we can't discriminate."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1334, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1334, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED HOUSE BILL NO. 1334, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1635 and the pending amendments by Senators Owen, McDonald and Stratton on page 18, lines 15 and 29; page 47, lines 19 and 29, to the Committee on Law and Justice amendment, deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling on the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 1635 is a comprehensive measure which makes numerous changes in the area of child support, child support enforcement and procedures available to both the custodial and non-custodial parent.

"The bill would, among other things, affect lien priorities, increase the scope of support orders, provide procedures for additional hearings under certain circumstances, require some employers to report new employees in certain situations and add items in court orders which establish or modify a support obligation.

"The amendments on page 18, lines 15 and 29, by Senators Owen, McDonald and Stratton to the Committee on Law and Justice amendment would add to the content of a support order a statement that the receiving parent may be required to submit an accounting of how support money is benefitting the child.

"The amendments on page 47, lines 19 and 29 by Senators Owen, McDonald and Stratton to Committee on Law and Justice amendment would allow certain parents who are responsible for making child support payments to request an accounting and a court hearing on the issue of whether such payments are

benefitting the intended child, limits the frequency of such request, and provides for court sanctions if such request are not brought in good faith.

"The President, therefore, finds that the proposed amendments to the committee amendment do not change the scope and object of the bill and that the point of order is not well taken."

The amendments by Senators Owen, McDonald and Stratton to the Committee on Law and Justice amendment were ruled in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Owen, McDonald and Stratton on page 18, lines 15 and 29 and page 47, lines 19 and 29, to the Committee on Law and Justice amendment to Engrossed Substitute House Bill No. 1635.

Debate ensued.

The amendments by Senators Owen, McDonald and Stratton to the Committee on Law and Justice amendment were adopted.

#### MOTION

Senator Niemi moved that the following amendments to the Committee on Law and Justice amendment be considered simultaneously and be adopted:

On page 51, line 27, after "~~((ten))~~" strike "eleven" and insert "twelve"

On page 51, line 34, after "and (e)" strike "three" and insert "~~((three))~~ four"

On page 51, line 35, after "parents" insert "and two of whom shall be custodial parents"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 51, lines 27, 34 and 35, to the Committee on Law and Justice amendment to Engrossed Substitute House Bill No. 1635.

The motion by Senator Niemi failed and the amendments to the committee amendment were not adopted.

#### MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen and Talmadge to the Committee on Law and Justice amendment was adopted:

On page 53, line 5, after "Section" strike "31" and insert "39"

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended.

The Committee on Law and Justice amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 4.16.020, 4.56.210, 6.17.020, 74.20A.220, 74.20A.100, 26.23.030, 74.20.101, 74.20A.040, 74.20A.060, 74.20A.080, 74.20.040, 74.20.330, 26.23.050, 26.23.110, 26.23.120, 26.26.130, 4.56.110, 6.27.360, 6.15.020, 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.24.240, 41.40.380, 41.44.240, 74.20A.120, 26.23.100, 26.23.060, 74.20A.270, 26.26.160, 26.09.060, 26.09.100, 26.23.040, and 26.19.030; reenacting and amending RCW 26.09.120, 43.43.310, and 74.20A.030; adding new sections to chapter 26.23 RCW; repealing RCW 74.20A.190 and 26.26.131; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute House Bill No. 1635, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson,

Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Madsen, Matson - 2.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1412, by Representatives Kremen, Hankins, Heavey, Beck, Braddock, Basich, Baugher, Winsley, Day, G. Fisher, Prentice, Todd, R. Meyers, Jones, D. Sommers, Prince, S. Wilson, Gallagher, Betzoff, Walker, Wood, Haugen, Smith, Cantwell, Cooper, Pruitt, Zellinsky, K. Wilson, R. Fisher, Tate, Rector, Rasmussen, Youngsman, Doty, Schoon, Moyer, Wineberry, McLean, Dorn, Crane, Nealey, Sayan, Valle, Inslee, Jesernig, Fraser, Nutley, Patrick, H. Myers, Rayburn, R. King, Miller, Spanel, Brooks, Hargrove, Anderson, Sprenkle, Scott, Grant, Dellwo, May, Van Luven, Bowman, Horn, Fuhrman, Silver, Ferguson, Jacobsen, P. King, Morris and Phillips

Authorizing remembrance tabs for veterans' license plates.

The bill was read the second time.

#### MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 1, line 8, after "flag," strike "Nothing" through "plates," on line

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 2, following line 12, insert a new section as follows:

NEW SECTION. Sec. 2. Section 1 of this act shall become effective January 1, 1990.

Senator Owen moved that the following amendment by Senators Owen, Rasmussen, Saling and Bender be adopted:

On page 2, after line 12, insert the following:

\*Sec. 2. Section 1, chapter 44, Laws of 1987 and RCW 46.16.625 are each amended to read as follows:

(1) A resident of this state may, in addition to the application required by RCW 46.16.040, apply to the department for a set of license plates designed by the department to indicate that the recipient of the plates is a survivor of the Japanese attack on Pearl Harbor if he or she:

(a) Was a member of the United States Armed Forces on December 7, 1941;

(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(c) Received an honorable discharge from the United States Armed Forces; and

(d) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (b) of this subsection.

(2) The plates shall be issued upon payment of the regular license fee and furnishing of proof satisfactory to the department that the recipient fulfills the requirements provided by subsection (1) of this section. Only one motor vehicle owned by the applicant may be so licensed at any one time.

(3) The department shall allow the surviving spouse of any deceased former Pearl Harbor survivor to retain plates issued pursuant to this section.

(4) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement plates upon request and without charge.

((4)) (5) The plate shall remain with the recipient upon transfer or other disposition of the vehicle, and may be used on another motor vehicle registered to the recipient in accordance with the provisions of RCW 46.16.595 for such transfers.

Sec. 3. Section 1, chapter 98, Laws of 1987 and RCW 73.04.115 are each amended to read as follows:

The department shall issue to the surviving spouse of any deceased former prisoner of war described in RCW 73.04.110(2), one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

~~((In order to qualify under this section the surviving spouse must have been married to the deceased former prisoner of war during the period of his or her incarceration.))~~ The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for

transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees."

#### POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. Reluctantly, I believe that this particular amendment is beyond the scope and object of the bill. The original bill deals with the new measure, a new approach to permitting the recognition of those veterans within the state of Washington, who will now be able to apply and pay five dollars for a little teeny, weeny, little emblem that can be put on the front license plate, in the area that you normally put the registration decal. Most of us know that is vacant today. There's nothing in that spot. This amendment asks for a revision in the entire license plate area of our state statutes in existing law. I might add, whereby those Pearl Harbor survivors who have plates, can now extend the use of those plates to the surviving spouse. Having voted for that bill that came through these chambers, I well recognize the meritorious intent of that bill, but this particular amendment now carrying that bill would be well beyond the scope and object of the original Engrossed House Bill No. 1412 that only deals with a small, little decal on existing plates."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 1412 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2036, by Committee on Local Government (originally sponsored by Representatives Ebersole, Brough, Wang and Schoon)

Modifying the regulations for metropolitan park districts.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2036.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2036 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 2036, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6052, by Senators McDonald, Gaspard, Hayner, Smitherman, Smith, Vognild, Metcalf, Wojahn, Thorsness, Stratton, Johnson, Anderson and Owen

Imposing a sales tax on adult entertainment materials and services.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6052 was substitute for Senate Bill No. 6052 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendments by Senators Metcalf, Talmadge, Bailey and McDonald be considered simultaneously and be adopted:

On page 1, line 15, after "compensation" insert ", with an emphasis towards providing services, support, or therapy to those children who are victims of sexual abuse"

On page 3, line 32, after "compensation" insert ", with an emphasis towards providing services, support, or therapy to those children who are victims of sexual abuse"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Metcalf, Talmadge, Bailey and McDonald on page 1, line 15, and page 3, line 32, to Substitute Senate Bill No. 6052.

The motion by Senator Metcalf carried and the amendments were adopted.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6052.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Voting nay: Senators Kreidler, Moore, Rinehart, Williams - 4.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1645, by Representatives Walk, Prince, Zellinsky, Ballard, R. Fisher, R. Meyers and Chandler

Regulating the relationship between motor vehicle dealers and manufacturers.

The bill was read the second time.

#### MOTIONS

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds and declares that the distribution and sale of motor vehicles in this state vitally affect the general economy of the state and the public interest and public welfare, that provision for warranty service to motor vehicles is of substantial concern to the people of this state, that the maintenance of fair competition among dealers and others is in the public interest, and that the maintenance of strong and sound dealerships is essential to provide continuing and necessary reliable services to the consuming public in this state and to provide stable employment to the citizens of this state. The legislature further finds that there is a substantial disparity in bargaining power between automobile manufacturers and their dealers, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate the relationship between motor vehicles dealers and motor vehicle manufacturers, importers, distributors, and their representatives doing business in this state, not only for the protection of dealers but also for the benefit for the public in assuring the continued availability and servicing of automobiles sold to the public.

The legislature recognizes it is in the best interest for manufacturers and dealers of motor vehicles to conduct business with each other in a fair, efficient, and competitive manner. The

legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference and are assured of the ability to transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motor vehicle industry to the extent necessary to balance fairness and efficiency. These actions will permit motor vehicle dealers to better serve consumers and allow dealers to devote their best competitive efforts and resources to the sale and services of the manufacturer's products to consumers.

**NEW SECTION, Sec. 2.** In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply throughout this chapter.

(1) A "new motor vehicle" is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) "New motor vehicle dealer" means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, the term "new motor vehicle dealer" does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011(3)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) "Franchise" means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

"Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) "Good faith" means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) "Designated successor" means:

(a) The spouse, biological or adopted child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) "Owner" means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

**NEW SECTION, Sec. 3.** Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, no manufacturer may terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer, unless the manufacturer has complied with the notice requirements of section 7 of this act and an administrative law judge has determined, if requested in writing by the new motor vehicle dealer within the applicable time period specified in section 7(1), (2), or (3) of this act, after hearing, that there is good cause for the termination, cancellation, or nonrenewal of the franchise and that the manufacturer has acted in good faith, as defined in this chapter, regarding the termination, cancellation, or nonrenewal.

**NEW SECTION, Sec. 4.** A new motor vehicle dealer who has received written notification from the manufacturer of the manufacturer's intent to terminate, cancel, or not renew the franchise may file a petition with the department for a determination as to the existence of good cause and good faith for the termination, cancellation, or nonrenewal of a franchise. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the termination, cancellation, or nonrenewal of the franchise. Upon the filing of the petition and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely petition has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The franchise in question shall continue in full force and effect pending the administrative law judge's decision. If the decision of the administrative

law judge terminating, canceling, or failing to renew a dealer's franchise is appealed by a dealer, the franchise in question shall continue in full force and effect until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

**NEW SECTION.** Sec. 5. (1) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a petition is filed. If the termination, cancellation, or nonrenewal is under section 7(2) of this act, the administrative law judge shall give the proceeding priority consideration and shall render a final decision not later than sixty days after a petition is filed.

(2) The administrative law judge shall conduct the hearing as an adjudicative proceeding in accordance with the procedures provided for in the Administrative Procedure Act, chapter 34.05 RCW. The administrative law judge shall render the final decision and shall enter a final order. Except as otherwise provided in RCW 34.05.446 and 34.05.449, all hearing costs shall be borne on an equal basis by the parties to the hearing.

(3) A party to a hearing under this chapter may be represented by counsel. A party to a hearing aggrieved by the final order of the administrative law judge concerning the termination, cancellation, or nonrenewal of a franchise may seek judicial review of the order in the superior court in the manner provided for in RCW 34.05.510 through 34.05.598. A petitioner for judicial review need not exhaust all administrative appeals or administrative review processes as a prerequisite for seeking judicial review under this section.

**NEW SECTION.** Sec. 6. (1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in section 7(2) (a) through (d) of this act, good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

**NEW SECTION.** Sec. 7. Before the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall give written notification to both the department and the new motor vehicle dealer. The notice shall be by certified mail or personally delivered to the new motor vehicle dealer and shall state the intention to terminate, cancel, or not renew the franchise, the reasons for the termination, cancellation, or nonrenewal, and the effective date of the termination, cancellation, or nonrenewal. The notice shall be given:

(1) Not less than ninety days before the effective date of the termination, cancellation, or nonrenewal;

(2) Not less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following that constitute good cause for termination, cancellation, or nonrenewal:

(a) Insolvency of the new motor vehicle dealer or the filing of any petition by or against the new motor vehicle dealer under bankruptcy or receivership law;

(b) Failure of the new motor vehicle dealer to conduct sales and service operations during customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;

(c) Conviction of the new motor vehicle dealer, or principal operator of the dealership, of a felony punishable by imprisonment; or

(d) Suspension or revocation of a license that the new motor vehicle dealer is required to have to operate the new motor vehicle dealership where the suspension or revocation is for a period in excess of thirty days;

(3) Not less than one hundred eighty days before the effective date of termination, cancellation, or nonrenewal, where the manufacturer intends to discontinue sale and distribution of the new motor vehicle line.

**NEW SECTION.** Sec. 8. (1) Upon the termination, cancellation, or nonrenewal of a franchise by the manufacturer under this chapter, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section within ninety days after the tender of the property, if the new motor vehicle dealer has clear title to the property and is in a position to convey that title to the manufacturer.

**NEW SECTION.** Sec. 9. (1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under section 7(2) of this act, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

**NEW SECTION.** Sec. 10. Sections 3 through 9 of this act do not relieve a new motor vehicle dealer from the obligation to mitigate the dealer's damages upon termination, cancellation, or nonrenewal of the franchise.

**NEW SECTION.** Sec. 11. (1) Notwithstanding the terms of a franchise, an owner may appoint a designated successor to succeed to the ownership of the new motor vehicle dealer franchise upon the owner's death or incapacity.

(2) Notwithstanding the terms of a franchise, a designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise may succeed to the ownership interest of the owner under the existing franchise, if:



(a) In the case of a designated successor who meets the definition of a designated successor under section 2(5)(a) of this act, but who is not experienced in the business of a new motor vehicle dealer, the person will employ an individual who is qualified and experienced in the business of a new motor vehicle dealer to help manage the day-to-day operations of the motor vehicle dealership; or in the case of a designated successor who meets the definition of a designated successor under section 2(5)(b) or 2(5)(c) of this act, the person is qualified and experienced in the business of a new motor vehicle dealer and meets the normal, reasonable, and uniformly applied standards for grant of an application as a new motor vehicle dealer by the manufacturer; and

(b) The designated successor furnishes written notice to the manufacturer of his or her intention to succeed to the ownership of the new motor vehicle dealership within sixty days after the owner's death or incapacity; and

(c) The designated successor agrees to be bound by all terms and conditions of the franchise.

(3) The manufacturer may request, and the designated successor shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession should be honored.

(4) A manufacturer may refuse to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor if the manufacturer establishes that good cause exists for its refusal to honor the succession. If the designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise fails to meet the requirements set forth in subsections (2) (a), (b), and (c) of this section, good cause for refusing to honor the succession is presumed to exist. If a manufacturer believes that good cause exists for refusing to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor, the manufacturer shall serve written notice on the designated successor and on the department of its refusal to honor the succession no earlier than sixty days from the date the notice is served. The notice must be served not later than sixty days after the manufacturer's receipt of:

(a) Notice of the designated successor's intent to succeed to the ownership interest of the new motor vehicle dealer's franchise; or

(b) Any personal or financial information requested by the manufacturer.

(5) The notice in subsection (4) of this section shall state the specific grounds for the refusal to honor the succession. If the notice of refusal is not timely and properly served, the designated successor may continue the franchise in full force and effect, subject to termination only as otherwise provided under this chapter.

(6) Within twenty days after receipt of the notice or within twenty days after the end of any appeal procedure provided by the manufacturer, whichever is greater, the designated successor may file a petition with the department protesting the refusal to honor the succession. The petition shall contain a short statement setting forth the reasons for the designated successor's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not terminate or otherwise discontinue the existing franchise until the administrative law judge has held a hearing and has determined that there is good cause for refusing to honor the succession. If an appeal is taken, the manufacturer shall not terminate or discontinue the franchise until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

(7) The manufacturer has the burden of proof to show that good cause exists for the refusal to honor the succession.

(8) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a protest is filed.

(9) The administrative law judge shall conduct any hearing concerning the refusal to the succession as provided in section 5(2) of this act and all hearing costs shall be borne as provided in that subsection. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in section 5(3) of this act.

(10) This section does not preclude the owner of a new motor vehicle dealer franchise from designating any person as his or her successor by a written, notarized, and witnessed instrument filed with the manufacturer. In the event of a conflict between such a written instrument that has not been revoked by written notice from the owner to the manufacturer and this section, the written instrument governs.

**NEW SECTION, Sec. 12.** (1) For the purposes of this section, and throughout this chapter, the term "relevant market area" is defined as follows:

(a) If the population in the county in which the proposed new or relocated dealership is to be located is four hundred thousand or more, the relevant market area is the geographic area within a radius of ten miles around the proposed site:

(b) If the population in the county in which the proposed new or relocated dealership is to be located is less than four hundred thousand, the relevant market area is the geographic area within a radius of fifteen miles around the proposed site.

In determining population for this definition, the most recent census by the United States Bureau of Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

(2) Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a manufacturer intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line make of motor vehicle is then represented, the manufacturer shall provide at least sixty days advance written notice to the department and to each new motor vehicle dealer of the same line make in the relevant market area, of the manufacturer's intention to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. The notice shall be sent by certified mail to each such party and shall include the following information:

(a) The specific location at which the additional or relocated motor vehicle dealer will be established;

(b) The date on or after which the additional or relocated motor vehicle dealer intends to commence business at the proposed location;

(c) The identity of all motor vehicle dealers who are franchised to sell the same line make vehicles as the proposed dealer and who have licensed locations within the relevant market area;

(d) The names and addresses, if available, of the owners of and principal investors in the proposed additional or relocated motor vehicle dealership; and

(e) The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

NEW SECTION. Sec. 13. (1) Within thirty days after receipt of the notice under section 12 of this act, or within thirty days after the end of an appeal procedure provided by the manufacturer, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the department protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the proposed establishment or relocation. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not establish or relocate the new motor vehicle dealer until the administrative law judge has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the administrative law judge shall consolidate the hearings to expedite disposition of the matter.

(2) If a manufacturer provides in the franchise agreement or by written statement distributed and provided to its dealers for arbitration under the Washington Arbitration Act, chapter 7.04 RCW, as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the provisions of this section and section 15 of this act relating to hearings by an administrative law judge do not apply, and a dispute regarding the establishment of an additional new motor vehicle dealer or the relocation of an existing new motor vehicle dealer shall be determined in an arbitration proceeding conducted in accordance with the Washington Arbitration Act, chapter 7.04 RCW. The thirty-day period for filing a protest under this section still applies except that the protesting dealer shall file his protest with the manufacturer within thirty days after receipt of the notice under section 12 of this act.

(3) The dispute shall be referred for arbitration to such arbitrator as may be agreed upon by the parties to the dispute. If the parties cannot agree upon a single arbitrator within thirty days from the date the protest is filed, the protesting dealer will select an arbitrator, the manufacturer will select an arbitrator, and the two arbitrators will then select a third. If a third arbitrator is not agreed upon within thirty days, any party may apply to the superior court, and the judge of the superior court having jurisdiction will appoint the third arbitrator. The protesting dealer will pay the arbitrator selected by him, and the manufacturer will pay the arbitrator it selected. The expense of the third arbitrator and all other expenses of arbitration will be shared equally by the parties. Attorneys' fees and fees paid to expert witnesses are not expenses of arbitration and will be paid by the person incurring them.

(4) Notwithstanding the terms of a franchise or written statement of the manufacturer and notwithstanding the terms of a waiver, the arbitration will take place in the state of Washington in the county where the protesting dealer has his principal place of business. Section 14 of this act applies to a determination made by the arbitrator or arbitrators in determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer, and the manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation. After a hearing has been held,

the arbitrator or arbitrators shall render a decision as expeditiously as possible, but in any event not later than one hundred twenty days from the date the arbitrator or arbitrators are selected or appointed. The manufacturer shall not establish or relocate the new motor vehicle dealer until the arbitration hearing has been held and the arbitrator or arbitrators have determined that there is good cause for permitting the proposed establishment or relocation. The written decision of the arbitrator is binding upon the parties unless modified, corrected, or vacated under the Washington Arbitration Act. Any party may appeal the decision of the arbitrator under the Washington Arbitration Act, chapter 7.04 RCW.

(5) If the franchise agreement or the manufacturer's written statement distributed to its dealers does not provide for arbitration under the Washington Arbitration Act as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the hearing provisions of this section and section 15 of this act apply. Nothing in this section is intended to preclude a new motor vehicle dealer from electing to use any other dispute resolution mechanism offered by a manufacturer.

**NEW SECTION, Sec. 14.** In determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge shall take into consideration the existing circumstances, including, but not limited to:

(1) The extent, nature, and permanency of the investment of both the existing motor vehicle dealers of the same line make in the relevant market area and the proposed additional or relocating new motor vehicle dealer, including obligations reasonably incurred by the existing dealers to perform their obligations under their respective franchises;

(2) The growth or decline in population and new motor vehicle registrations during the past five years in the relevant market area;

(3) The effect on the consuming public in the relevant market area;

(4) The effect on the existing new motor vehicle dealers in the relevant market area, including any adverse financial impact;

(5) The reasonably expected or anticipated vehicle market for the relevant market area, including demographic factors such as age of population, income, education, size class preference, product popularity, retail lease transactions, or other factors affecting sales to consumers in the relevant market area;

(6) Whether it is injurious or beneficial to the public welfare for an additional new motor vehicle dealer to be established;

(7) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate competition and convenient customer care for the motor vehicles of the same line make in the relevant market area, including the adequacy of motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel;

(8) Whether the establishment of an additional new motor vehicle dealer would increase competition and be in the public interest;

(9) Whether the manufacturer is motivated principally by good faith to establish an additional or new motor vehicle dealer and not by noneconomic considerations;

(10) Whether the manufacturer has denied its existing new motor vehicle dealers of the same line make the opportunity for reasonable growth, market expansion, establishment of a subagency, or relocation;

(11) Whether the protesting dealer or dealers are in substantial compliance with their dealer agreements or franchises; and

(12) Whether the manufacturer has complied with the requirements of sections 12 and 13 of this act.

In considering the factors set forth in this section, the administrative law judge shall give the factors equal weight, and in making a determination as to whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge must find that at least nine of the factors set forth in this section weigh in favor of the manufacturer and in favor of the proposed establishment or relocation of a new motor vehicle dealer.

**NEW SECTION, Sec. 15.** (1) The manufacturer and the proposed additional or relocating new motor vehicle dealer have the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation.

(2) The administrative law judge shall conduct any hearing as provided in section 5(2) of this act, and all hearing costs shall be borne as provided in that subsection. The administrative law judge shall render the final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. If more than one protest is filed, the one hundred twenty days commences to run from the date the last protest is filed. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in section 5(3) of this act.

**NEW SECTION, Sec. 16.** Sections 12 through 15 of this act do not apply:

(1) To the sale or transfer of the ownership or assets of an existing new motor vehicle dealer where the transferee proposes to engage in business representing the same line make at the same location or within two miles of that location;

(2) To the relocation of an existing new motor vehicle dealer within the dealer's relevant market area, if the relocation is not at a site within ten miles of any new motor vehicle dealer of the same line make;

(3) If the proposed new motor vehicle dealer is to be established at or within two miles of a location at which a former new motor vehicle dealer of the same line make had ceased operating within the previous twenty-four months;

(4) Where the proposed relocation is two miles or less from the existing location of the relocating new motor vehicle dealer; or

(5) Where the proposed relocation is to be further away from all other existing new motor vehicle dealers of the same line make in the relevant market area.

**NEW SECTION.** Sec. 17. A manufacturer shall not coerce, threaten, intimidate, or require a new motor vehicle dealer, as a condition to granting or renewing a franchise, to waive, limit, or disclaim a right that the dealer may have to protest the establishment or relocation of another motor vehicle dealer in the relevant market area as provided in section 13 of this act.

**NEW SECTION.** Sec. 18. (1) Notwithstanding the terms of a franchise, a manufacturer shall not unreasonably withhold consent to the sale, transfer, or exchange of a franchise to a qualified buyer who meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer or is capable of being licensed as a new motor vehicle dealer in the state of Washington. A decision or determination made by the administrative law judge as to whether a qualified buyer is capable of being licensed as a new motor vehicle dealer in the state of Washington is not conclusive or determinative of any ultimate determination made by the department of licensing as to the buyer's qualification for a motor vehicle dealer license. A manufacturer's failure to respond in writing to a request for consent under this subsection within sixty days after receipt of a written request on the forms, if any, generally used by the manufacturer containing the information and reasonable promises required by a manufacturer is deemed to be consent to the request. A manufacturer may request, and, if so requested, the applicant for a franchise (a) shall promptly provide such personal and financial information as is reasonably necessary to determine whether the sale, transfer, or exchange should be approved, and (b) shall agree to be bound by all reasonable terms and conditions of the franchise.

(2) If a manufacturer refuses to approve the sale, transfer, or exchange of a franchise, the manufacturer shall serve written notice on the applicant, the transferring, selling, or exchanging new motor vehicle dealer, and the department of its refusal to approve the transfer of the franchise no later than sixty days after the date the manufacturer receives the written request from the new motor vehicle dealer. If the manufacturer has requested personal or financial information from the applicant under subsection (1) of this section, the notice shall be served not later than sixty days after the receipt of all of such documents. Service of all notices under this section shall be made by personal service or by certified mail, return receipt requested.

(3) The notice in subsection (2) of this section shall state the specific grounds for the refusal to approve the sale, transfer, or exchange of the franchise.

(4) Within twenty days after receipt of the notice of refusal to approve the sale, transfer, or exchange of the franchise by the transferring new motor vehicle dealer, the new motor vehicle dealer may file a petition with the department to protest the refusal to approve the sale, transfer, or exchange. The petition shall contain a short statement setting forth the reasons for the dealer's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed, and the department shall arrange for a hearing with an administrative law judge as the presiding officer to determine if the manufacturer unreasonably withheld consent to the sale, transfer, or exchange of the franchise.

(5) In determining whether the manufacturer unreasonably withheld its approval to the sale, transfer, or exchange, the manufacturer has the burden of proof that it acted reasonably. A manufacturer's refusal to accept or approve a proposed buyer who otherwise meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer, or who otherwise is capable of being licensed as a new motor vehicle dealer in the state of Washington, is presumed to be unreasonable.

(6) The administrative law judge shall conduct a hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. Only the selling, transferring, or exchanging new motor vehicle dealer and the manufacturer may be parties to the hearing.

(7) The administrative law judge shall conduct any hearing as provided in section 5(2) of this act, and all hearing costs shall be borne as provided in that subsection. Only the manufacturer and the selling, transferring, or exchanging new motor vehicle dealer may appeal the final order of the administrative law judge as provided in section 5(3) of this act.

(8) This section and sections 3 through 17 of this act apply to all franchises and contracts existing on the effective date of this act between manufacturers and new motor vehicle dealers

as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

**NEW SECTION.** Sec. 19. The department shall determine and establish the amount of the filing fee required in sections 4, 11, 13, and 18 of this act. The fees shall be set in accordance with RCW 43.24.086.

The department may also require the petitioning or protesting party to give security, in such sum as the department deems proper but not in any event to exceed one thousand dollars, for the payment of such costs as may be incurred in conducting the hearing as required under this chapter. The security may be given in the form of a bond or stipulation or other undertaking with one or more sureties.

At the conclusion of the hearing, the department shall assess, in equal shares, each of the parties to the hearing for the cost of conducting the hearing. Upon receipt of payment of the costs, the department shall refund and return to the petitioning party such excess funds, if any, initially posted by the party as security for the hearing costs. If the petitioning party provided security in the form of a bond or other undertaking with one or more sureties, the bond or other undertaking shall then be exonerated and the surety or sureties under it discharged.

Sec. 20. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 18, chapter 241, Laws of 1986 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (11)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.-- RCW (sections 1 through 19 of this act).

Sec. 21. Section 21, chapter 74, Laws of 1967 ex. sess. as last amended by section 19, chapter 241, Laws of 1986 and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

~~((Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW 46.70.180(11)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW 46.70.180(11)(b), with respect to matters arising prior to the date of said judgment.))~~ If a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under sections 4 or 5(3) of this act or this section, the new motor vehicle dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under the federal Automobile Dealer Franchise Act, 15 U.S.C. Sections 1221 through 1225, but only to the extent that the damages recovered by or denied to the new motor vehicle dealer are the same as the damages being sought under the federal Automobile Dealer Franchise Act. Likewise, if a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under the federal Automobile Dealer Franchise Act, the dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under this chapter, but only to the extent that the damages recovered by or denied to the dealer are the same as the damages being sought under this chapter.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

**NEW SECTION.** Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 74, Laws of 1967 ex. sess., section 20, chapter 241, Laws of 1986 and RCW 46.70.200; and

(2) Section 18, chapter 74, Laws of 1967 ex. sess., section 21, chapter 241, Laws of 1986 and RCW 46.70.210.

**NEW SECTION.** Sec. 24. Sections 1 through 19 of this act shall constitute a new chapter in Title 46 RCW."

On motion of Senator Nelson, the following amendments by Senators Patterson and Nelson to the Committee on Transportation amendment were considered simultaneously and were adopted:

On page 2, line 14, after "apply" strike "throughout" and insert "only for the purposes of"

On page 15, line 3, after "distributed" insert "and provided"

On page 16, line 26, after "manufacturer" strike all material through "have" on line 27, and insert "has"

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed House Bill No. 1645.

The Committee on Transportation amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On line 2 of the title, after "manufacturers;" strike the remainder of the title and insert "amending RCW 46.70.180 and 46.70.190; creating a new chapter in Title 46 RCW; and repealing RCW 46.70.200 and 46.70.210."

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1645, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1645, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1645, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator McMullen - 1.

Excused: Senator DeJarnatt - 1.

ENGROSSED HOUSE BILL NO. 1645, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Pullen was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1047, by Representatives R. Meyers, Schmidt, Insee and P. King

Modifying secured transaction requirements as they apply to crops.

The bill was read the second time.

#### MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 9-312, chapter 157, Laws of 1965 ex. sess. as last amended by section 52, chapter 35, Laws of 1986 and RCW 62A.9-312 are each amended to read as follows:

(1) The rules of priority stated in other sections of this Part and in the following sections shall govern when applicable: RCW 62A.4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; RCW 62A.9-103 on security interests related to other jurisdictions; RCW 62A.9-114 on consignments.

(2) ~~((A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest))~~ Conflicting priorities between security interests in crops shall be governed by chapter 60.11 RCW.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the twenty-one day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of RCW 62A.9-304); and

(c) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within twenty days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.



(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing, the taking of possession, or under RCW 62A.8-321 on securities, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

Sec. 2. Section 9-402, chapter 157, Laws of 1965 ex. sess. as last amended by section 5, chapter 186, Laws of 1982 and RCW 62A.9-402 are each amended to read as follows:

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or when the financing statement is filed as a fixture filing (RCW 62A.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under RCW 62A.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) .....

Address .....

Name of secured party (or assignee) .....

Address .....

1. This financing statement covers the following types (or items) of property:  
(Describe) .....

2. (If applicable) The above goods are to become fixtures on\*  
(Describe Real Estate) .....

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ..

\*Where appropriate substitute either "The above timber is standing on ....."  
or "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on ....."

3. (If products of collateral are claimed)  
Products of the collateral are also covered .....

(use .....

whichever Signature of Debtor (or Assignor) .....

is .....

applicable) Signature of Secured Party (or Assignee) .....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party: PROVIDED, That a secured party may amend a financing statement without the signature of the debtor when the amendment is to change the address or name of the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. The fee for filing an amendment shall be the same as the fee for filing a financing statement.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or a financing statement filed as a fixture filing (RCW 62A.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the

mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement or an amendment is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 2 of the title, after "code;" strike the remainder of the title and insert "and amending RCW 62A.9-312 and 62A.9-402."

#### MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 1047, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1047, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1047, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator McDonald - 1.

Excused: Senators DeJarnatt, Pullen - 2.

ENGROSSED HOUSE BILL NO. 1047, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1250, by Committee on Health Care (originally sponsored by Representatives Morris, Prentice, Sayan, G. Fisher, Braddock and Jones) (by request of Department of Licensing)

Changing licensing provisions for hearing aid fitters and dispensers.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1250.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1250 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Pullen - 2.

SUBSTITUTE HOUSE BILL NO. 1250, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1286, by Representatives Cantwell, Nealey, Basich, Prince, Moyer and P. King

Specifying how the boundaries of an industrial development district may be revised.

The bill was read the second time.

## MOTION

Senator McCaslin moved that the following Committee on Governmental Operations amendment not be adopted:

On page 2, beginning on line 4, after "ninety days" strike "of the effective date of" and insert "after the closing of a sale pursuant to"

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator McCaslin that the Committee on Governmental Operations amendment on page 2, beginning on line 4, to Engrossed House Bill No. 1286 not be adopted.

The motion by Senator McCaslin carried and the committee amendment was not adopted.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, this would indicate that the property would be offered to the former owner if it was condemned to get the property. Will it be offered to the former owner to purchase at the price he received at the condemnation or at the later appraisal?"

Senator McCaslin: "I really don't know. I would assume that two appraisers would appraise that property and establish a present-day value and then sell it to the former owner at the combined average of the two appraisals."

Senator Rasmussen: "Well, if they took my property for a hundred thousand dollars--they condemned it--I didn't want to sell it--but they condemned it--and two years later that property has increased in value to two hundred thousand dollars and they offered me the chance to buy it back at two hundred thousand, it seems to me, in the first place, I'd been injured when they'd condemned me and I didn't want to sell. In the second place, they're offering me the chance to buy it back at the increased price. It doesn't seem very fair."

Senator McCaslin: "I agree with you; it doesn't."

Senator Rasmussen: "Well then, why did you pass the bill out of committee that way?"

Senator McCaslin: "Well, I would expect then, that if they did that to you, you could probably take them to court, Senator, and then you know how fair the courts are. I'm sure they would give you a fair hearing."

Senator Rasmussen: "You're a dreamer, too."

## MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1286 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1286.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1286 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Voting nay: Senators Hansen, Rasmussen, Wojahn - 3.

Excused: Senators DeJarnatt, Matson, Pullen - 3.

ENGROSSED HOUSE BILL NO. 1286, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1322, by Committee on Appropriations (originally sponsored by Representatives Hine, Silver, Sryan, McLean, Patrick, D. Sommers, H. Sommers, Bristow, Bowman, Moyer, Day, Peery, Wineberry, Winsley, Fuhrman, Schoon, Holland, Rayburn, Belcher, Braddock, Jesernig, Kremen, Chandler, Brough, Valle, G. Fisher, Betzoff, R. Fisher, Fraser, Basich, Locke, Haugen, Youngsman, Wolfe, May, R. King, P. King, Pruitt, Hankins, Brekke, Appelwick, H. Myers, Miller, Rasmussen, Ebersole, Jacobsen, Doty, Spanel, Brumsickle, Van Luvan, Tate, Wood and Horn) (by request of Joint Committee on Pension Policy)

Authorizing cost-of-living adjustments for members of retirement systems.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1322 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1322.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, Pullen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1322, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Johnson was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Haugen, Walker, Winsley, Leonard, Cole, Hankins, S. Wilson, Ferguson, Nutley, Scott, Belcher, Anderson, Basich, Dellwo, Spanel, Braddock, Brough, Horn, Todd, Nelson, Brekke, Rector, Appelwick, Hine, Heavey, Baugher, Kremen, Cooper, Zellinsky, K. Wilson, Wood, Rayburn, Jesernig, Jacobsen, R. Fisher, R. King, Rust, Pruitt, Wang, Grant, Jones, Moyer, Cantwell, Locke, Insee, H. Myers, G. Fisher, Morris, Patrick, Miller, Wolfe, O'Brien, Rasmussen, Walk, May, Doty, Phillips, Betzoff and Ballard)

Requiring health insurance to cover mammograms.

The bill was read the second time.

## MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a health maintenance

organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

Each health plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is established or renewed after January 1, 1990, and that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard health plan provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of the state health care authority to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits."

On motion of Senator von Reichbauer, the following title amendment was adopted:

On line 1 of the title, after "mammograms;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 41.05 RCW."

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute House Bill No. 1074, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1074, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1074, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Johnson, Matson, Pullen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1457, by Committee on Appropriations (originally sponsored by Representatives Appelwick, Schmidt, Dellwo, Patrick, Braddock, Belcher, Sayan, Locke, Wineberry and P. King) (by request of Office of Financial Management)

Regarding the indeterminate sentencing review board.

The bill was read the second time.

#### MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 4, after line 24, insert the following:

"NEW SECTION, Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

The board shall conduct a review of every person who, on the effective date of this act, is incarcerated and has been adjudged under the former provisions of RCW 9.92.090. For those persons incarcerated on the effective date of this act, the board shall set a minimum term without regard to such status, pursuant to the provisions of chapter 9.95 RCW. Persons who

have already served the redetermined minimum term on the effective date of this act, shall be considered for parole on the same basis as all other indeterminate inmates."

Renumber the remaining sections consecutively.

On motion of Senator Nelson, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 4, line 28, after "9.95.0012;" strike "and"

On page 4, line 29, after "(uncodified)" and before the period insert "; and"

(4) Sections 1 and 2, chapter 86, Laws of 1903, section 34, chapter 249, Laws of 1909 and RCW 9.92.090"

#### MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 24, chapter 137, Laws of 1981 as last amended by section 6, chapter 224, Laws of 1986 and RCW 9.95.009 are each amended to read as follows:

(1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate sentencing review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until ~~((1992))~~ 1998, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, including those relating to persons committed under a mandatory life sentence, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges adopted pursuant to RCW 9.94A.040 and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those ranges, standards, purposes, and recommendations: PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release ~~((decisions (decision)))~~ decision is made which is outside the sentencing ranges adopted pursuant to RCW 9.94A.040. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system.

NEW SECTION. Sec. 2. A new section is added to chapter 9.95 RCW to read as follows:

(1) The board shall fix the duration of confinement for persons committed to the custody of the department of corrections under a mandatory life sentence for a crime or crimes committed before July 1, 1984. However, no duration of confinement shall be fixed for those persons committed under a life sentence without the possibility of parole.

The duration of confinement for persons covered by this section shall be fixed no later than July 1, 1992, or within six months after the admission or readmission of the convicted person to the custody of the department of corrections, whichever is later.

(2) Prior to fixing a duration of confinement under this section, the board shall request from the sentencing judge and the prosecuting attorney an updated statement in accordance with RCW 9.95.030. In addition to the report and recommendations of the prosecuting attorney and sentencing judge, the board shall also consider any victim impact statement submitted by a victim, survivor, or a representative, and any statement submitted by an investigative law enforcement officer. The board shall provide the convicted person with copies of any new statement and an opportunity to comment thereon prior to fixing the duration of confinement.

Sec. 3. Section 1, chapter 238, Laws of 1951 and RCW 9.95.115 are each amended to read as follows:

The ~~((board of prison terms and paroles))~~ indeterminate sentence review board is hereby granted authority to parole any person sentenced to the ~~((penitentiary or the reformatory))~~ custody of the department of corrections, under a mandatory life sentence ~~((-who))~~ for a crime committed prior to July 1, 1984, except those persons sentenced to life without the possibility of parole. No such person shall be granted parole unless the person has been continuously confined therein for a period of twenty consecutive years less earned good time((-PROVIDED, The superintendent of the penitentiary or the reformatory, as the case may be, certifies to the ~~board of prison terms and paroles that such person's conduct and work have been meritorious, and based thereon, recommends parole for such person))~~ PROVIDED, That no such person shall be released under parole who is found to be a sexual psychopath under the provisions of and as defined by chapter ((71-12)) 71.06 RCW.

Sec. 4. Section 12, chapter 224, Laws of 1986 and RCW 9.95.0011 are each amended to read as follows:

(1) ~~The indeterminate sentencing review board shall cease to exist on June 30, ((1992; and all of its powers, duties, and functions with respect to persons convicted of crimes committed before July 1, 1984, shall be transferred to the superior courts of the state of Washington)) 1998. Prior to June 30, ((1992)) 1998, the board shall review each inmate convicted of crimes committed before July 1, 1984, and prepare a report ((for the superior courts)). This report shall include a recommendation regarding the offender's suitability for parole ((and)), appropriate parole conditions, and, for those persons committed under a mandatory life sentence, duration of confinement. ((The sentencing judge or his or her successor in the county of conviction shall thereafter have full jurisdiction and authority over such offenders. These duties may be delegated to commissioners. Actions taken by commissioners shall be in the form of a report and recommendation to the sentencing judge or his or her successors who have sole authority to determine duration of confinement or parole release.))~~

(2) ~~The governor, through the office of financial management, shall recommend to the legislature alternatives for carrying out the duties of the board. In developing recommendations, the office of financial management shall consult with the indeterminate sentence review board, Washington association of prosecuting attorneys, Washington defender association, department of corrections, and administrator for the courts((-and office of financial management shall prepare an implementation plan to accomplish transfer of the board's powers, duties, and functions to the superior courts of the state of Washington. The plan)). Recommendations shall include a detailed fiscal analysis and recommended formulas and procedures for the reimbursement of costs to local governments if necessary. ((This plan)) Recommendations shall be presented to the ((1990)) 1997 legislature.~~

~~((9)) On July 1, 1992, all documents, records, files, equipment, and other tangible property of the indeterminate sentencing review board shall be transferred to the department of corrections. The department of corrections shall assist the judiciary in fulfilling its responsibilities under this chapter, including the preparation of written recommendations.~~

~~((4)) On July 1, 1992, references to the "board" or "the indeterminate sentence review board" contained in this chapter, chapters 7.68, 9.95, 9.96, 71.06, and 72.04A RCW, and RCW 9A.44.045 and 72.68.031 are deemed to refer to the superior court of the state of Washington that originally sentenced the offender to prison.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

The board shall conduct a review of every person who, on the effective date of this act, is incarcerated and has been adjudged under the former provisions of RCW 9.92.090. For those persons incarcerated on the effective date of this act, the board shall set a minimum term without regard to such status, pursuant to the provisions of chapter 9.95 RCW. Persons who have already served the redetermined minimum term on the effective date of this act, shall be considered for parole on the same basis as all other indeterminate inmates.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 224, Laws of 1986 (uncodified);
- (2) Section 13, chapter 224, Laws of 1986 and RCW 9.95.0012;
- (3) Section 14, chapter 224, Laws of 1986 (uncodified); and
- (4) Sections 1 and 2, chapter 86, Laws of 1903, section 34, chapter 249, Laws of 1909 and RCW 9.92.090.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Nelson, the following title amendment was adopted:

"On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 9.95.009, 9.95.115, and 9.95.0011; adding new sections to chapter 9.95 RCW; creating a new section; repealing RCW 9.95.0012 and 9.92.090; repealing section 1, chapter 224, Laws of 1986 (uncodified); and repealing section 14, chapter 224, Laws of 1986 (uncodified)."

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1457, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1457, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Vognlid, von Reichbauer, Warnke, West, Williams - 39.

Voting nay: Senators Amondson, Hayner, McCaslin, Rasmussen, Smitherman, Talmadge, Thorsness, Wojahn - 8.

Excused: Senators DeJarnatt, Pullen - 2.

SUBSTITUTE HOUSE BILL NO. 1457, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1444 and the pending amendment by Senators Rinehart and Warnke and the pending amendment by Senator Bailey, to the Committee on Education amendment, deferred earlier today.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling on the point of order raised by Senator Craswell, the President finds that Engrossed Substitute House Bill No. 1444 was originally a measure which made numerous changes in programs for students at risk. The bill would have expanded the learning assistance program, provided funding for substance abuse awareness programs, provided flexibility for certain students in choosing a high school, directed the Superintendent of Public Instruction to evaluate alternative methods for evaluating student performance, establish certain pilot programs and empowered the Superintendent of Public Instruction to establish outcomes-based learning assistance education awards.

"In addition, the Senate has adopted an amendment which would direct each school district to adopt policies prohibiting tobacco use on school property and adopted an amendment dealing with the education of highly capable students at the University of Washington.

"The amendment by Senators Rinehart and Warnke to the Committee on Education amendment, directs the Superintendent of Public Instruction to develop a model curriculum for an outcomes-based health and physical education learning assistance education program and directs each school district to implement a program.

"The President, therefore, finds that the proposed amendment to the committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Rinehart and Warnke on page 18, after line 33, to the Committee on Education amendment to Engrossed Substitute House Bill No. 1444 was ruled in order.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling on the point of order raised by Senator Craswell, the President finds that Engrossed Substitute House Bill No. 1444 was originally a measure which made numerous changes in programs for students at risk. The bill would have expanded the learning assistance program, provided funding for substance abuse awareness programs, provided flexibility for certain students in choosing a high school, directed the Superintendent of Public Instruction to evaluate alternative methods for evaluating student performance, establish certain pilot programs and empowered the Superintendent of Public Instruction to establish outcomes-based learning assistance education awards.

"In addition, the Senate has adopted an amendment which would direct each school district to adopt policies prohibiting tobacco use on school property and adopted an amendment dealing with the education of highly capable students at the University of Washington.

"The amendment by Senator Bailey to the Committee on Education amendment allows the State Board of Education to adopt rules requiring school districts to proscribe certain disciplinary practices that are found to hinder positive discipline learning assistance education environments.

"The President, therefore, finds that the proposed amendment to the committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Bailey on page 18, after line 33, to the Committee on Education amendment was ruled in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Warnke on page 18, after line 33, to the Committee on Education amendment to Engrossed Substitute House Bill No. 1444.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rinehart and Bailey on page 18, after line 33, to the Committee on Education amendment to Engrossed Substitute House Bill No. 1444.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 24; nays, 23; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Owen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 23.

Excused: Senators DeJarnatt, Pullen - 2.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1444 was deferred.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1412 and the pending amendment by Senators Owen, Rasmussen, Saling and Bender on page 2, after line 12, deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling on the point of order raised by Senator Nelson, the President finds that Engrossed House Bill No. 1412 is a measure which allows certain veterans to receive from the Department of Transportation a remembrance tab for display on or near their vehicle license plate.

"The amendment proposed by Senator Owen and others would allow the surviving spouses of deceased, former Pearl Harbor survivors, to retain special license plates.

"The President, therefore, finds that the proposed amendment does change the scope of object of the bill and that the point of order is well taken."

The amendment by Senators Owen, Rasmussen, Saling and Bender on page 2, after line 12, to Engrossed House Bill No. 1412 was ruled out of order.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1412, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1412, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1412, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Patterson - 1.

Excused: Senators DeJarnatt, Pullen - 2.

ENGROSSED HOUSE BILL NO. 1412, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1086 was moved to the bottom of the second reading calendar.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1476, by Committee on Appropriations (originally sponsored by Representatives Basich, Doty, Spanel, Cantwell, Vekich, Kremen, Hargrove, Schoon, Sayan, Baugher, Inslee, Jesernig, Rasmussen, Rayburn, Walk, Jones, Rector, Raiter, Locke, Moyer, Youngsman, Walker, Winsley, Bowman, Brough, D. Sommers, Silver, Tate, Ferguson, Wineberry, P. King, Pruitt, Ebersole, Sprengle, Morris and Todd)

Establishing the Washington marketplace program.

The bill was read the second time.

## MOTION

Senator Lee moved that the following amendments by Senators Lee and Bender be considered simultaneously and be adopted:

On page 1, line 25, after "services" and before the period, insert ", and in addition to identify new markets for Washington firms to provide goods and services"

On page 4, beginning on line 3, strike all of section 5 and insert the following:

**NEW SECTION.** Sec. 5. (1) "Capital project" means a major urban or rural economic development project including, but not limited to, highways, ports, public facilities, power plants, irrigation systems, resorts, and sewage systems.

(2) "Consortium" means a partnership, copartnership, joint venture, joint stock company, business trust, corporation, association, or any group of businesses acting as a unit for the purpose of securing a capital project.

**NEW SECTION.** Sec. 6. There is established, as a project within the department of trade and economic development, the office of capital projects. The office shall:

(1) Assist Washington state businesses in obtaining international and domestic capital projects;

(2) Assist Washington state businesses in the formation of consortiums, when appropriate, which have the range of services and technical skills to compete for capital projects. Consortiums shall include at least one business with its principal place of business within Washington state.

(3) Assist consortiums and businesses in Washington state to market their services and products in international markets;

(4) Compile information on capital project opportunities for Washington state businesses including:

(a) Identifying those types of Washington businesses with the type and level of expertise to participate in various capital projects; and

(b) Identifying the type of capital projects and international markets which have the greatest potential for Washington state businesses to provide products and services;

(5) Provide information to Washington state businesses on the purpose and services of the office of capital projects;

(6) Provide initial assistance to consortiums in securing capital project contracts, including such intergovernmental contacts as considered appropriate with countries or regions where capital projects are proposed; and

(7) Provide information to businesses on trade tariffs, quotas, government regulations or other trade restrictions which may affect Washington state businesses.

NEW SECTION. Sec. 7. The department, through the office of capital projects:

(1) May receive funds, coordinate with other governmental agencies, and carry out such other duties as are deemed necessary to implement the provisions of section 6 of this act;

(2) May receive such gifts, grants, and endowments from private or public sources as may be made available in trust or otherwise for the use and benefit of the office of capital projects, and expend the same, or any income therefrom, according to the terms of gifts, grants, or endowments;

(3) May charge reasonable fees or other appropriate charges for using the services of the office of capital projects, for attendance at workshops and conferences sponsored by the office, and for various publications, materials, and services of the office. These fees shall be charged to defray the costs of operation of the office of capital projects; and

(4) May actively seek cooperation and funding from the private sector.

NEW SECTION. Sec. 8. Contracts entered into by consortiums do not constitute a contract with the state of Washington, and do not incur a liability, obligation, pledge of faith, or credit of the state of Washington.

NEW SECTION. Sec. 9. The office of capital projects is prohibited from entering into any legal or otherwise binding contract with foreign governmental units or consortiums in relation to a capital project.

NEW SECTION. Sec. 10. The legislative budget committee shall, by January 1, 1992, conduct analyses of the operations of the capitol projects program. The analyses shall provide information on any costs to the state resulting from the operation of the program as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to the program.

The analysis shall include a review of: The number of firms assisted; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm as a result of the programs assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by firms assisted by the program; and sales volume trends for each firm assisted by the program.

NEW SECTION. Sec. 11. The department of trade and economic development shall actively promote and support the efforts of the office of capital projects to achieve the goals of section 6 of this act.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

The office of capital projects and its powers and duties shall be terminated on June 30, 1994, as provided in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 5 of this act and RCW 43.31.---
- (2) Section 6 of this act and RCW 43.31.---
- (3) Section 7 of this act and RCW 43.31.---
- (4) Section 8 of this act and RCW 43.31.---
- (5) Section 9 of this act and RCW 43.31.---
- (6) Section 10 of this act and RCW 43.31.---

NEW SECTION. Sec. 15. There is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, the sum of ninety thousand dollars, or so much thereof may be necessary, to carry out the purposes of sections 5 through 11 of this act."

Renumber the remaining section consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Lee and Bender on page 1, line 25, and page 4, beginning on line 3, to Second Substitute House Bill No. 1476.

The motion by Senator Lee carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation."

On motion of Senator Lee, the rules were suspended, Second Substitute House Bill No. 1476, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1476, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1476, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Fleming - 1.

Excused: Senators DeJarnatt, Pullen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1476, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senators Fleming and Moore were excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1552, by Representatives Todd, Nutley, Padden, Patrick, Holland, Anderson, D. Sommers, Leonard, Walk, Pruitt, Crane, Nelson and Dorn

Establishing the office of mobile home affairs and tenant lot fees.

The bill was read the second time.

#### MOTION

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1552 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1552.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1552 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Moore, Pullen - 4.

ENGROSSED HOUSE BILL NO. 1552, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, May, Nutley, R. Meyers, Ferguson, Chandler, Winsley, Inslee, Rector, Wang, Belcher, Kremen, Moyer, D. Sommers, Wolfe, Crane, Schoon and Betrozoff) (by request of Insurance Commissioner)

Regulating automobile rental liability.

The bill was read the second time.

### MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that improper practices, charges, and provisions may be associated with the sale of collision damage waiver agreements by car rental companies in this state. A collision damage waiver agreement is a contract provision within a car rental contract in which the car rental company waives its right, for a fee, to hold a renter liable for damages to a rented vehicle. The legislature further finds that these agreements may violate an individual's rights. The citizens of the state of Washington would be benefited by increased information concerning these waivers.

**NEW SECTION.** Sec. 2. For the purposes of this chapter, the following definitions apply:

(1) "Rental company" means any person or entity in the business of providing rental motor vehicles to the public.

(2) "Renter" means any person or entity obtaining the use of a rental motor vehicle from a rental company for a period of less than thirty days.

(3) "Damage waiver" means a rental company's agreement not to hold a renter liable for all or any portion of any damage or loss related to the rented vehicle, any loss of use of the rented vehicle, or any storage, impound, towing, or administrative charges.

(4) "Rental motor vehicle" or "vehicles" means a motor vehicle as defined in RCW 46.04.382 which is rented or leased or offered for rent or lease in this state.

**NEW SECTION.** Sec. 3. (1) A rental company that offers or provides a damage waiver for any consideration in addition to the rental rate shall clearly and conspicuously disclose the following information on a separate page attached to the rental contract and in signs posted at the place where the renter signs the rental contract:

(a) The nature of the renter's liability, including but not limited to liability for all collision damage regardless of cause;

(b) The extent of the renter's liability, including but not limited to liability for damage or loss up to a specific amount;

(c) That the renter's personal insurance policy may provide coverage for all or a portion of the renter's potential liability;

(d) That the renter should consult with his or her insurer to determine the scope of the renter's insurance coverage; and

(e) That the renter may purchase an optional damage waiver to cover all liability subject to the exceptions that the rental company expressly lists and the circumstances in which the damage waiver does not apply.

(2) The disclosures required by this chapter shall be set in boldface type of at least ten-point body or size.

(3) The renter shall initial the page prescribed under subsection (1) of this section to indicate actual receipt of the disclosures.

**NEW SECTION.** Sec. 4. (1) The joint select committee on collision damage waivers is created. The committee shall consist of four members from the senate appointed by the president of the senate and four members from the house of representatives appointed by the speaker of the house of representatives. The committee shall include equal numbers of members from the majority and minority parties of each house. The joint select committee chairman shall be chosen by a majority vote of the committee members and shall serve for the duration of the committee. The committee shall be staffed from the senate and house of representatives committees on financial institutions and insurance.

(2) The committee shall examine the content of collision damage waivers sold in Washington, the price charged for the waiver in relation to the risk assumed by the car rental company, the environment in which the waivers are sold, and other related issues. The committee should review the collision damage waiver proposals recommended or adopted by other states or national associations. Such proposals should include, but not be limited to, disclosure requirements, waiver elimination, waiver content, rate regulation, and combinations of these proposals.

(3) The committee shall report its findings and recommendations to the senate and house of representatives committees on financial institutions and insurance by December 1, 1989.

**NEW SECTION.** Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 6. Sections 2 and 3 of this act shall constitute a new chapter in Title 19 RCW.

**NEW SECTION.** Sec. 7. This act shall take effect on September 1, 1989."

On motion of Senator von Reichbauer, the following title amendment was adopted:

On line 1 of the title, after "rentals;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; creating a new section; and providing an effective date."

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute House Bill No. 1068, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1068, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1068, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Amondson, Bauer - 2.

Excused: Senators DeJarnatt, Fleming, Moore, Pullen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6075, by Senators Bluechel and McDonald

Authorizing tax credits for certain donations to institutions of higher education.

## MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 6075 was substituted for Senate Bill No. 6075 and the substitute bill was placed on second reading and read the second time.

Senator Bluechel moved that the rules be suspended and Substitute Senate Bill No. 6075 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

## POINT OF ORDER

Senator Gaspard: "Madam Chair, I raise a point of order. Substitute Senate Bill No. 6075 does not have any budget reference--that was referenced in the bill that passed this body last week--nor does it have any appropriation. Therefore, I think, according to the cut-off resolution, House Concurrent Resolution No. 4404, that this bill is not necessary to implement the budget. It is not a budget item and, therefore, would not be properly before us."

There being no objection, the Vice President Pro Tempore deferred further consideration of Substitute Senate Bill No. 6075.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1070, by Representatives Rector, Youngsman, G. Fisher, Padden, H. Myers, Patrick, Wolfe, Ferguson, D. Sommers, Walker, Wood, Dellwo, Kremen, P. King, Silver, Morris and Crane

Revising procedures on criminal procedure.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Law and Justice amendment was adopted:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

\*Sec. 1, Section 2, chapter 42, Laws of 1955 as last amended by section 1, chapter 4, Laws of 1969 ex. sess. and RCW 9.95.062 are each amended to read as follows:

(1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, if the court determines by a preponderance of the evidence that:

(a)(i) The defendant is likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed; or

(ii) The delay resulting from the stay will unduly diminish the deterrent effect of the punishment; or

(iii) A stay of the judgment will cause unreasonable trauma to the victims of the crime or their families; and

(b) The defendant has either undertaken to the extent of the defendant's financial ability to pay the financial obligations under the judgment or has posted an adequate performance bond to assure payment.

(2) In case the defendant has been convicted of a felony, and has been unable to ((~~turnish a bail bond~~)) obtain release pending the appeal by posting an appeal bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time ((~~he~~)) the defendant has been imprisoned pending the appeal shall be deducted from the term for which ((~~he~~)) the defendant was ((~~theretofore~~)) sentenced ((~~to the penitentiary~~)), if the judgment ((~~against him be~~)) is affirmed."

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1070, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1070, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1070, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Niemi - 1.

Excused: Senators DeJarnatt, Fleming, Moore, Pullen - 4.

ENGROSSED HOUSE BILL NO. 1070, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1408, by Committee on Appropriations (originally sponsored by Representatives Dorn, Pruitt, G. Fisher, Sayan, P. King, Holland, R. Meyers, Leonard, Patrick, Winsley, Van Luven, Cooper, Walk, Scott and Morris)

Requiring that hours worked in all eligible positions be combined to determine service credit for the public employees' retirement system.

The bill was read the second time.

#### MOTION

Senator Hayner moved that the following amendment by Senators Hayner and McMullen be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1, Section 1, chapter 274, Laws of 1947 as last amended by section 7, chapter 13, Laws of 1985 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.



(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have

earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service. All hours worked in eligible positions for any employer in a calendar month shall be combined for the purpose of determining a month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after June 15, 1979.

Each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after June 15, 1979, in which the member makes member contributions under this chapter for each month of such academic year, and the member is employed in a position which is restricted as to duration by the employer to the academic year.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month. All hours worked in eligible positions for any employer in a calendar month shall be combined for the purpose of determining a month of service.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the

individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the director may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if the member has less than two years of service then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 2. Section 1, chapter 192, Laws of 1987 as amended by section 1, chapter 195, Laws of 1988 and RCW 41.54.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Base salary" means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions of the United States internal revenue code, but shall exclude overtime payments, non-money maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(2) "Department" means the department of retirement systems.

(3) "Director" means the director of the department of retirement systems.

(4) "Dual member" means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or subsection (6) of this section.

(5) "Service" means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

(6) "System" means the retirement systems established under chapters 41.32, 41.40, 41.44, and 43.43 RCW and the city employee retirement systems for Seattle, Tacoma, and Spokane. The inclusion of an individual first class city system is subject to the procedure set forth in RCW 41.54.060.

**NEW SECTION.** Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

Any active member of this system who has previously established five or more years service credit in the city of Seattle's police relief and pension fund system, who withdrew his or her contributions from Seattle's police relief and pension fund system prior to July 1, 1961, and who has never been a member of the law enforcement officers' and fire fighters' pension system created in chapter 41.26 RCW, may receive credit in this system for such service, subject to the terms and conditions specified in section 4 of this act.

**NEW SECTION.** Sec. 4. A new section is added to chapter 41.40 RCW to read as follows:

(1) A member who fulfills the requirements of section 3 of this act may file a written declaration no later than September 30, 1989, with the department and the Seattle police relief and pension fund system indicating the member's desire to make an irrevocable transfer of credit from the Seattle system to this system. The member shall restore his or her contributions, with interest since the date of withdrawal as determined by the director, no later than December 31, 1989.

(2) Upon receipt of the written declaration the Seattle police relief and pension fund system shall send the department a report of the member's service credit. It shall also transfer to the department employer contributions in an amount equal to the cost of the benefit provided to the member pursuant to sections 3 and 4 of this act, as determined by the director. The Seattle police relief and pension fund system shall send the service credit report and transfer of employer contributions within ninety days of receiving the member's written declaration.

**NEW SECTION.** Sec. 5. A new section is added to chapter 41.40 RCW to read as follows:

Any member who has not received a month of service credit because the employer failed to combine the hours worked in two or more eligible positions during a calendar month shall receive service credit for such a month if the member pays the contribution which would have

been due at the time the hours were worked. The member's contribution for lost service credit must be paid within five years after the effective date of this act or prior to retirement, whichever occurs first."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hayner and McMullen to Substitute House Bill No. 1408.

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

#### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.40.010 and 41.54.010; and adding new sections to chapter 41.40 RCW."

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1408, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1408, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1408, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Pullen - 3.

SUBSTITUTE HOUSE BILL NO. 1408, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

#### SECOND READING

HOUSE BILL NO. 1020, by Representatives Vekich, Winsley, Patrick, Sayan, Prentice, Rector, Dellwo, Basich, Spanel and P. King

Authorizing collective bargaining for district and municipal court employees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 108, Laws of 1967 ex. sess. as last amended by section 1, chapter 135, Laws of 1987 and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington, including district courts, except as otherwise provided by RCW 54.04.170, 54.04.180, and chapters 41.59, 47.64, and 53.18 RCW. The Washington state patrol shall be considered a public employer of state patrol officers appointed under RCW 43.43.020.

Sec. 2. Section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 2, chapter 135, Laws of 1987 and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county of the second class or larger, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended."

On motion of Senator Lee, the following title amendment was adopted:  
On page 1, line 1 of the title, after "district" strike "and municipal"

#### MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 1020, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Amondson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1020, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1020, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Pullen - 4.

HOUSE BILL NO. 1020, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1081, by Representatives Padden, Appelwick, Dellwo, Rayburn, Rector, Heavey, Basich, Kremen, Jones, Winsley, P. King, Moyer, Silver, Insloe, Wineberry, H. Myers, Patrick, Miller, Wolfe, Youngsman, Walker, Van Luven, Sprengle, Nealey, Rasmussen, Brough, May, Brumsickle, Ballard and Anderson (by request of Sentencing Guidelines Commission)

Restricting release of persons convicted of vehicular homicide or assault.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, and section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) <u>Vehicle Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)</u> Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020) Vehicle Homicide, by disregard for the safety of others (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b)) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Child Molestation 2 (RCW 9A.44.086) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2)) Endangering life and property by explosives with no threat to human being (RCW 70.74.270) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b)) Incest 1 (RCW 9A.64.020(1)) Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
V	Intimidating a Judge (RCW 9A.72.160) Criminal Mistreatment 1 (RCW 9A.42.020) Rape 3 (RCW 9A.44.060) Kidnapping 2 (RCW 9A.40.030)

- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Rape of a Child 3 (RCW 9A.44.079)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(i) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))\*



Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment to Engrossed House Bill No. 1081.

The motion by Senator Nelson carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "assault," strike the remainder of the title and insert "and reenacting and amending RCW 9.94A.320."

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1081, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1081, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1081, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Kreidler - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Pullen - 4.

ENGROSSED HOUSE BILL NO. 1081, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1756, by Committee on Energy and Utilities (originally sponsored by Representatives Sprenkle, S. Wilson, Rector, Fuhrman, Hargrove, K. Wilson, Haugen, Jacobsen and Scott)

Providing for extended area service by telecommunications companies.

The bill was read the second time.

#### MOTIONS

Senator Benitz moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. Universal telephone service for the people of the state of Washington is a policy goal of the legislature and has been enacted previously into Washington law. Access to universal and affordable telephone service enhances the economic and social well-being of Washington citizens.

**NEW SECTION.** Sec. 2. As used in section 3 of this act, "extended area service" means the ability to call from one exchange to another exchange without incurring a toll charge.

**NEW SECTION.** Sec. 3. Any business, resident, or community may petition for and shall receive extended area service within the service territory of the local exchange company that provides service to the petitioner under the following conditions:

(1) Any customer, business or residential, interested in obtaining extended area service in their community must collect and submit to the commission the signatures of a representative majority of affected customers in the community. A "representative majority" for purposes of this section consists of fifteen percent of the access lines in that community;

(2) After receipt of the signatures, the commission shall authorize a study to be conducted by the affected local exchange company in order to determine whether a community of interest exists for the implementation of extended area service. For purposes of this section a community of interest shall be found if the average number of calls per customer per month from the area petitioning for extended area service to the area to which extended area service will be implemented is at least five;

(3) If a community of interest exists, the commission shall then calculate any increased rate that would be applied to the area which would have extended area service granted to it. This rate shall be based on the charges to a rate group having the same or similar calling capability as set forth in the tariffs of the local exchange telecommunications company involved;

(4) The affected telecommunications company shall be given the opportunity to propose an alternative plan that might be priced differently and that plan shall be included in the poll of subscribers as an alternative under subsection (5) of this section;

(5) After determining the amount of any additional rate, the commission shall notify the subscribers who will be affected by the increased rate and conduct a poll of those subscribers. If a simple majority votes its approval the commission shall order extended area service; and

(6) Any extended area service program pursuant to this section shall not result in any increase in prices charged to any provider of intralata and interlata interexchange service for access to facilities of local exchange companies.

**NEW SECTION.** Sec. 4. The pilot program specified in sections 2 and 3 of this act applies only to extended area service petitions which meet the conditions under section 3 of this act, and have been filed with the commission by January 1, 1989. Any petitions for extended area service filed after January 1, 1989, shall be addressed under terms and conditions determined by the commission. By December 1, 1990, the commission shall submit to the energy and utilities committees of the house of representatives and the senate a report on extended area service. The report shall include:

(1) The status of any experimental, pilot program which provides extended area service developed under this section, and whether such an experimental, pilot program approach should continue to be made available.

(2) The status of all extended area service petitions pending at the commission;

(3) Commission action on the recommendations of the local extended calling advisory committee; and

(4) Commission recommendations for any other legislation addressing the issue of extended area service.

**NEW SECTION.** Sec. 5. The extended area service program under sections 2 through 5 of this act shall expire on December 1, 1990, except for any extended area service obtained by any business residence or community and put in place under section 3 of this act.

**NEW SECTION.** Sec. 6. Sections 2 and 3 of this act are each added to chapter 80.36 RCW."

Senator Benitz moved that the following amendment by Senators Benitz and Bailey to the Committee on Energy and Utilities amendment be adopted:

On page 3, line 13, strike all of subsection 6 and insert the following:

"(6) Any extended area service program adopted pursuant to this section shall be considered experimental and not binding on the commission in subsequent extended area service proceedings. If an extended area service program adopted pursuant to this section results in a revenue deficiency for a local exchange company, the commission shall allocate the resulting revenue requirement in a manner which produces fair, just and reasonable rates for all classes of customers."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benitz and Bailey on page 3, line 13, to the Committee on Energy and Utilities amendment to Substitute House Bill No. 1756.

The motion by Senator Benitz carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Benitz moved that the following amendment by Senators Benitz, Bailey, Williams, Metcalf and Stratton to the Committee on Energy and Utilities amendment be adopted:

On page 4, after line 23, strike the remainder of the bill and insert the following:

**NEW SECTION.** Sec. 6. The utilities and transportation commission shall study the feasibility of the elimination, by January 1, 1992, of multiparty lines and mileage charges in all telephone exchanges throughout the state and the relationship between mileage charges and extended area service. The study shall include recommendations as to methods to equitably share the costs of any such program, any recommendations for legislative action, and an analysis of technological changes which may alter the telecommunications network in the next decade. The utilities and transportation commission shall report the results of the study to the energy and utilities committees of the house of representatives and the senate by December 1, 1989.

**NEW SECTION.** Sec. 7. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public service revolving fund to the utilities and transportation commission for the purposes of section 6 of this act.

**NEW SECTION.** Sec. 8. Sections 2, 3 and 6 of this act are each added to chapter 80.36 RCW."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benitz, Bailey Williams, Metcalf and Stratton on page 4, after line 23, to the Committee on Energy and Utilities amendment to Substitute House Bill No. 1756.

The motion by Senator Benitz carried and the amendment to the committee amendment was adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Energy and Utilities striking amendment, as amended, to Substitute House Bill No. 1756.

The Committee on Energy and Utilities striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Benitz, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "adding new sections to chapter 80.36 RCW; and creating new sections."

On page 5, line 2 of the title amendment, after "companies;" strike the remainder of the title and insert "adding new sections to chapter 80.36 RCW; creating new sections, and making an appropriation."

On motion of Senator Benitz, the rules were suspended, Substitute House Bill No. 1756, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1756, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1756, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, DeJarnatt, Fleming, Pullen - 4.

SUBSTITUTE HOUSE BILL NO. 1756, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:26 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, April 7, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## EIGHTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 7, 1989

The Senate was called to order at 8:30 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Anderson, Cantu, Craswell, DeJarnatt, Fleming, Matson, Niemi, Sellar, Smith, Stratton and Wojahn. On motion of Senator Bender, Senators DeJarnatt, Fleming, Niemi and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Lorrain and Sarah Danko, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6132 by Senator Saling

AN ACT Relating to higher education.

Referred to Committee on Higher Education.

SB 6133 by Senator Saling

AN ACT Relating to higher education access.

Referred to Committee on Higher Education.

SB 6134 by Senator Saling

AN ACT Relating to community colleges.

Referred to Committee on Higher Education.

SB 6135 by Senator Saling

AN ACT Relating to branch campuses.

Referred to Committee on Higher Education.

SB 6136 by Senator Saling

AN ACT Relating to higher education.

Referred to Committee on Higher Education.

SCR 8413 by Senators West and Kreidler

Creating a joint committee on professional liability.

Referred to Committee on Health Care and Corrections.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9113, Pearl McElheran, as a member of the Higher Education Coordinating Board, was confirmed.

#### APPOINTMENT OF PEARL MCELHERAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; absent, 8; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Sutherland, Talmadge, Thorsness, Voghild, von Reichbauer, Warnke, West, Williams - 37.

Absent: Senators Amondson, Anderson, Cantu, Craswell, Matson, Sellar, Smith, Stratton - 8.  
Excused: Senators DeJarnatt, Fleming, Niemi, Wojahn - 4.

#### MOTIONS

On motion of Senator McCaslin, Senator Sellar was excused.

On motion of Senator Anderson, Senator Amondson was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2001, by Representatives Rayburn, Baugher and Sayan

Revising provisions regarding livestock.

The bill was read the second time.

#### MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 31, Laws of 1893 as amended by section 1, chapter 56, Laws of 1925 ex. sess. and RCW 16.04.010 are each amended to read as follows:

Any person suffering damage done by any horses, ~~((mares;))~~ mules, ~~((asses;))~~ donkeys, cattle, goats, sheep, swine, or any such animals, which shall either trespass upon any ~~((cultivated))~~ land ~~((;-inclosed))~~ enclosed by lawful fence ~~((or situated within any district created pursuant to RCW 16.24.010 through 16.24.065;))~~ as provided in chapter 16.60 RCW or trespass while running at large in violation of chapter 16.24 RCW may retain and keep in custody such offending animals until the owner or person having possession of such animals shall pay such damage and costs, or until good and sufficient security be given for the same.

NEW SECTION, Sec. 2. A new section is added to chapter 16.04 RCW to read as follows:

Whenever any animals trespass as provided in RCW 16.04.010, the owner or person having possession of such animal shall be liable for all damages the owner or occupant may sustain by reason of such trespass.

Sec. 3. Section 2, chapter 124, Laws of 1895 and RCW 16.16.020 are each amended to read as follows:

In any prosecution under ~~((RCW 16.16.010 through 16.16.030))~~ chapter 16.24 RCW proof that the animal running at large is branded with the registered or known brand of the defendant shall be prima facie evidence that the defendant is the owner of said animal ~~((;-and proof that said animal is found at large shall be prima facie evidence that the owner permitted the same to be at large;))~~.

Sec. 4. Section 1, chapter 25, Laws of 1911 as amended by section 1, chapter 40, Laws of 1937 and RCW 16.24.010 are each amended to read as follows:

The ~~((board of county commissioners;))~~ county legislative authority of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large ~~((;-PROVIDED, That;))~~. No territory so designated shall be less than two square miles in area ~~((;-AND PROVIDED FURTHER, That;))~~. RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit ~~((livestock))~~ cattle, horses, mules, or donkeys to run at large; PROVIDED, That the county legislative authority may designate areas where it shall be unlawful to permit any livestock other than cattle to run at large.

Sec. 5. Section 2, chapter 25, Laws of 1911 as last amended by section 2, chapter 40, Laws of 1937 and RCW 16.24.020 are each amended to read as follows:

Within sixty days after the taking effect of RCW 16.24.010 through 16.24.065, the county ~~((commissioners;))~~ legislative authority of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within the county. It shall be the duty of the ~~((board of county commissioners;))~~ county legislative authority at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in RCW 16.24.010 through 16.24.065.

Sec. 6. Section 3, chapter 25, Laws of 1911 as last amended by section 3, chapter 40, Laws of 1937 and RCW 16.24.030 are each amended to read as follows:

Within thirty days after the conclusion of any such hearing the county ((commissioners)) legislative authority shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks.

Sec. 7. Section 1, chapter 93, Laws of 1923 as amended by section 4, chapter 40, Laws of 1937 and RCW 16.24.050 are each amended to read as follows:

When the county ((commissioners)) legislative authority of any county deem it advisable to change the boundary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in RCW 16.24.020. If the county ((commissioners)) legislative authority decides to change the boundary or boundaries of any stock restricted area or areas, ((they)) it shall within thirty days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks.

Sec. 8. Section 5, chapter 40, Laws of 1937 and RCW 16.24.060 are each amended to read as follows:

At the point where a public road enters a range area, and at such other points thereon within such area as the county ((commissioners)) legislative authority shall designate, there shall be erected a road sign bearing the words: "RANGE AREA. WATCH OUT FOR LIVESTOCK."

Sec. 9. Section 6, chapter 40, Laws of 1937 as amended by section 20, chapter 415, Laws of 1985 and RCW 16.24.065 are each amended to read as follows:

(1) No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area (~~(nor shall any person owning or in control of any livestock allow such livestock)~~) or to wander or stray upon the right-of-way of any public highway (~~(of two or more lanes)~~) lying within a stock restricted area when not in the charge of some person.

(2) Livestock may run at large upon lands belonging to the state of Washington or the United States only when the owner of the livestock has been granted grazing privileges in writing.

Sec. 10. Section 127, chapter 189, Laws of 1937 and RCW 16.24.070 are each amended to read as follows:

(~~It shall be unlawful for any person to cause or permit any livestock to graze or stray upon any portion of the right-of-way of any public highway of this state, within any stock restricted area.~~) It shall be unlawful for any person to herd or move any livestock over, along or across the right-of-way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon.

(~~In the event that any livestock is allowed to stray or graze upon the right-of-way of any public highway, or portion thereof, within any stock restricted area, unattended, the same may be impounded for safekeeping and, if the owner be not known, complaint may be instituted against such stock in a court of competent jurisdiction. Notice shall be published in one issue of a paper of general circulation published as close as possible to the location where the livestock were found, describing as nearly as possible the stock, where found, and that the same are to be sold. In the event that the owner appears and convinces the court of his right thereto, the stock may be delivered upon payment by him of all costs of court, advertising and caring for the stock. In the event no person claiming the right thereto shall appear by the close of business on the tenth day following and exclusive of the date of publication of notice, the stock may be sold at public or private sale, all costs of court, advertising and caring therefor paid from the proceeds thereof and the balance certified by the judge of the court ordering such sale, to the treasurer of the county in which located, to be credited to the county school fund.~~)

Sec. 11. Section 2, chapter 31, Laws of 1951 as last amended by section 16, chapter 415, Laws of 1985 and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large or trespassing in violation of ((RCW 16.13.010)) chapter 16.24 RCW as now or hereafter amended, which are not restrained as provided by RCW 16.04.010, are declared to be a public nuisance (~~(and shall be impounded by the)~~). The sheriff of the county where found(;;) and the nearest brand inspector shall ((also)) have authority to impound ((class I estrays as defined in RCW 16.13.025)) such animals which are not restrained as provided by RCW 16.04.010.

Sec. 12. Section 3, chapter 31, Laws of 1951 as last amended by section 7, chapter 154, Laws of 1979 and RCW 16.13.030 are each amended to read as follows:

Upon taking possession of ((a class I estray)) any livestock at large contrary to the provisions of RCW 16.13.020, or any unclaimed livestock submitted or impounded, by any person, at any public livestock market or any other facility approved by the director, the sheriff or brand inspector shall cause it to be transported to and impounded at the nearest public livestock market licensed under chapter 16.65 RCW or at such place as approved by the director. If the sheriff has impounded ((a class I estray)) an animal in accordance with this section, he shall

forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and, by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

Sec. 13. Section 5, chapter 31, Laws of 1951 and RCW 16.13.050 are each amended to read as follows:

Upon claiming any animal impounded under this chapter, the owner shall pay ~~((the))~~ all costs of transportation, advertising, legal proceedings, and keep ~~((thereof))~~ of the animal.

Sec. 14. Section 5, chapter 25, Laws of 1911 and RCW 16.24.090 are each amended to read as follows:

~~((The owner of swine shall not))~~ Except as provided in chapter 16.24 RCW, a person who owns or has possession, charge, or control of horses, mules, donkeys, cattle, goats, sheep or swine shall not negligently allow them to run at large at any time or within any territory~~((and any violation of this section shall render such owner liable to the penalties provided for in RCW 16.24.040)).~~ It shall not be necessary for any person to fence against such animals, and it shall be no defense to any action or proceedings brought pursuant to this chapter or chapter 16.04 RCW that the party injured by or restraining such animals did not have his or her lands enclosed by a lawful fence: PROVIDED, That ~~((swine))~~ such animals may be driven upon the highways while in charge of sufficient attendants.

Sec. 15. Section 1, page 453, Laws of 1890 as amended by section 4, chapter 66, Laws of 1965 and RCW 16.20.010 are each amended to read as follows:

It shall be lawful for any person having cows or heifers running at large in this state to take up or capture and castrate, at the risk of the owner, at any time between the first day of March and the fifteenth day of May, any bull above the age of ten months found running at large out of the enclosed grounds of the owner or keeper ~~((and)).~~ It shall be lawful for any person to take up or capture and geld, at the risk of the owner, between April 1 and September 30 of any year, any stud horse or jackass or any male mule above the age of eighteen months found running at large out of the enclosed grounds of the owner or keeper. If the said animal shall die, as a result of such castration, the owner shall have no recourse against the person who shall have taken up or captured and castrated, or caused to be castrated, the said animal: PROVIDED, Such act of castration shall have been skillfully done by a person accustomed to doing the same: AND PROVIDED FURTHER, That if the person so taking up or capturing such ~~((bull))~~ animal, or causing ~~((him))~~ it to be so taken up or captured, shall know the owner or keeper of such animal, and shall know that said animal is being kept for breeding purposes, it shall be his duty forthwith to notify such owner or keeper of the taking up of said animal, and if such owner or keeper shall not within two days after being so notified pay for the reasonable costs of keeping of said animal ~~((at the rate of fifty cents per day)),~~ and take and safely keep said animal thereafter within his own enclosures, then it shall be lawful for the taker-up of said animal to castrate the same, and the owner thereof shall pay a reasonable sum for such act of castration ~~((the sum of one dollar and fifty cents)),~~ if done skillfully, as hereinbefore required, and shall also pay for the keeping of said animal as above provided, and the amount for which he may be liable therefor may be recovered in an action at law in any court having jurisdiction thereof: AND PROVIDED FURTHER, That if said animal should be found running at large a third time within the same year, and within the prohibited dates hereinbefore mentioned, it shall be lawful for any person to capture and castrate ~~((him))~~ the animal without giving any notice to the owner or keeper whatever. For purposes of this section, geld and castrate shall have the same meaning.

Sec. 16. Section 2537, Code of 1881 as last amended by section 181, chapter 202, Laws of 1987 and RCW 16.28.160 are each amended to read as follows:

It shall be the duty of any and all persons searching or hunting for stray horses, mules or cattle, to drive the band or herd in which they may find their stray horses, mules or cattle, into the nearest corral before separating their said stray animals from the balance of the herd or band; that in order to separate their said stray animals from the herd or band, the person or persons owning said stray shall drive them out of and away from the corral in which they may be driven before setting the herd at large. ~~((Any person violating this section shall be deemed guilty of a misdemeanor, and on conviction thereof, before a district judge, shall be fined in any sum not exceeding one hundred dollars, and half the costs of prosecution; said fine so recovered to be paid into the school fund of the county in which the offense was committed; and in addition thereto shall be imprisoned until the fine and costs are paid: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended:))~~

Sec. 17. Section 19, chapter 415, Laws of 1985 and RCW 16.20.035 are each amended to read as follows:

RCW 16.20.020 and 16.20.030, each as recodified by this 1989 act, shall not apply to counties lying west of the summit of the Cascade mountains.

NEW SECTION. Sec. 18. The following sections, as amended by this 1989 act, are each recodified as sections in chapter 16.24 RCW: RCW 16.16.020, 16.13.020, 16.13.030, 16.13.050, 16.28.160, and 16.20.010.

**NEW SECTION.** Sec. 19. RCW 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165 are each recodified as sections in chapter 16.24 RCW.

**NEW SECTION.** Sec. 20. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 12, Laws of 1891 and RCW 16.28.170;
- (2) Section 1, page 454, Laws of 1890 and RCW 16.12.010;
- (3) Section 2, page 454, Laws of 1890, section 1, chapter 86, Laws of 1927, section 178, chapter 202, Laws of 1987 and RCW 16.12.020;
- (4) Section 3, page 454, Laws of 1890, section 1, chapter 39, Laws of 1899, section 179, chapter 202, Laws of 1987 and RCW 16.12.030;
- (5) Section 7, page 456, Laws of 1890 and RCW 16.12.070;
- (6) Section 8, page 456, Laws of 1890 and RCW 16.12.080;
- (7) Section 1, chapter 115, Laws of 1888, section 1, chapter 53, Laws of 1907, section 1, chapter 159, Laws of 1913, section 1, chapter 33, Laws of 1945 and RCW 16.12.090;
- (8) Section 2, chapter 115, Laws of 1888, section 2, chapter 53, Laws of 1907, section 2, chapter 159, Laws of 1913, section 2, chapter 33, Laws of 1945 and RCW 16.12.100;
- (9) Section 3, chapter 115, Laws of 1888 and RCW 16.12.110;
- (10) Section 1, chapter 31, Laws of 1951, section 13, chapter 7, Laws of 1975 1st ex. sess., section 15, chapter 415, Laws of 1985 and RCW 16.13.010;
- (11) Section 9, chapter 31, Laws of 1951 and RCW 16.13.090;
- (12) Section 1, chapter 124, Laws of 1895 and RCW 16.16.010;
- (13) Section 3, chapter 124, Laws of 1895 and RCW 16.16.030;
- (14) Section 2549, Code of 1881 and RCW 16.16.040;
- (15) Section 4, page 90, Laws of 1871, section 2547, Code of 1881 and RCW 16.16.050;
- (16) Section 4, page 90, Laws of 1871, section 2548, Code of 1881, section 180, chapter 202, Laws of 1987 and RCW 16.16.060;
- (17) Section 3, chapter 111, Laws of 1917 and RCW 16.20.040;
- (18) Section 22, chapter 154, Laws of 1979 and RCW 16.13.025; and
- (19) Section 25, chapter 154, Laws of 1979 and RCW 16.57.295.

Sec. 21. Section 3, chapter 31, Laws of 1893 as last amended by section 24, chapter 415, Laws of 1985 and RCW 16.04.025 are each amended to read as follows:

If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, the person retaining such animals shall, within twenty-four hours, notify the county sheriff or the nearest state brand inspector as to the number, description, and location of the animals. The county sheriff or brand inspector shall examine the animals by brand, tattoo, or other identifying characteristics and attempt to ascertain ownership. If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector or county sheriff shall furnish this information and other pertinent information to the person holding the animals who in turn shall send the notice required in RCW 16.04.020 to the animals' owner of record by certified mail.

If the county sheriff or the brand inspector determines that there is no apparent damage to the property of the person retaining the animals, or if the person sustaining the damage contacts the county sheriff or brand inspector to have the animals removed from his or her property, such animals shall be removed in accordance with chapter ~~(16.13)~~ 16.24 RCW. Such removal shall not prejudice the property owner's ability to recover damages through civil suit.

Sec. 22. Section 1, chapter 54, Laws of 1959 as last amended by section 15, chapter 296, Laws of 1981 and RCW 16.57.010 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or ~~(his)~~ a duly appointed representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits.
- (5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.
- (6) "Production record brand" means a number brand which shall be used for production identification purposes only.
- (7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.
- (8) ~~("Class 1 estray" means any cattle or horses at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed cattle or horses submitted or impounded by any person at any public livestock market or any other facility approved by the director.~~



~~(9) "Class II estray" means any cattle or horses identified as estray that are offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.~~

~~(10)) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.~~

~~((++)) (2) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.~~

Sec. 23. Section 29, chapter 54, Laws of 1959 as last amended by section 20, chapter 296, Laws of 1981 and RCW 16.57.290 are each amended to read as follows:

All unbranded cattle and horses and those bearing brands not recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit, and those bearing brands recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection, ~~((are hereby declared to be class II estrays)) shall be sold by the director or the director's representative, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. ((Such estrays shall be sold by)) Upon the sale of such cattle or horses, the director or (his) the director's representative ((who)) shall give the purchasers a bill of sale therefor, or, if theft is suspected, the ((horse)) cattle or horses may be impounded by the director or the director's representative.~~

Sec. 24. Section 30, chapter 54, Laws of 1959 as amended by section 21, chapter 296, Laws of 1981 and RCW 16.57.300 are each amended to read as follows:

The proceeds from the sale of ~~((class II estrays)) cattle and horses as provided for under RCW 16.57.290~~, after paying the cost thereof, shall be paid to the director, who shall make a record showing the brand or marks or other method of identification of the animals and the amount realized from the sale thereof. However, the proceeds from a sale of ~~((class II estrays)) such cattle or horses~~ at a licensed public livestock market shall be held by the licensee for a reasonable period not to exceed thirty days to permit the consignor to establish ownership or the right to sell such cattle or horses. If such consignor fails to establish legal ownership or the right to sell such cattle or horses, such proceeds shall be paid to the director to be disposed of as any other estray proceeds.

Sec. 25. Section 35, chapter 296, Laws of 1981 and RCW 16.57.410 are each amended to read as follows:

(1) No person may act as a registering agency without a permit issued by the department. The director may issue a permit to any person or organization to act as a registering agency for the purpose of issuing permanent identification symbols for horses in a manner prescribed by the director. Application for such permit, or the renewal thereof by January 1 of each year, shall be on a form prescribed by the director, and accompanied by the proof of registration to be issued, any other documents required by the director, and a fee of one hundred dollars.

(2) Each registering agency shall maintain a permanent record for each individual identification symbol. The record shall include, but need not be limited to, the name, address, and phone number of the horse owner and a general description of the horse. A copy of each permanent record shall be forwarded to the director, if requested by the director.

(3) Individual identification symbols shall be inspected as required for brands under RCW 16.57.380 and 16.57.390. Any horse presented for inspection and bearing such a symbol, but not accompanied by proof of registration and certificate of permit, shall be ~~((considered a class II estray)) sold as provided under RCW 16.57.290 through 16.57.330.~~

(4) The director shall adopt such rules as are necessary for the effective administration of this section pursuant to chapter ~~((34.04)) 34.05~~ RCW.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "livestock;" strike the remainder of the title and insert "amending RCW 16.04.010, 16.16.020, 16.24.010, 16.24.020, 16.24.030, 16.24.050, 16.24.060, 16.24.065, 16.24.070, 16.13.020, 16.13.030, 16.13.050, 16.24.090, 16.20.010, 16.28.160, 16.20.035, 16.04.025, 16.57.010, 16.57.290, 16.57.300, and 16.57.410; adding a new section to chapter 16.04 RCW; recodifying RCW 16.16.020, 16.13.020, 16.13.030, 16.13.050, 16.28.160, 16.20.010, 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165; repealing RCW 16.28.170, 16.12.010, 16.12.020, 16.12.030, 16.12.070, 16.12.080, 16.12.090, 16.12.100, 16.12.110, 16.13.010, 16.13.090, 16.16.010, 16.16.030, 16.16.040, 16.16.050, 16.16.060, 16.20.040, 16.13.025, and 16.57.295; and prescribing penalties."

#### MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 2001, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2001, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2001, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senator Moore - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Niemi, Sellar, Wojahn - 6.

ENGROSSED HOUSE BILL NO. 2001, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2131, by Representatives Nutley and Winsley

Making additional requirements for mobile home electrical inspections.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following committee on Economic Development and Labor amendment was adopted:

On page 1, beginning on line 21, after "proof of" strike "compliance with mobile home installation standards pursuant to RCW 43.22.440, and building codes" and insert "a current building permit issued by the local government agency authorized to issue such permits"

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 2131, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2131, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Absent: Senator Moore - 1.

Excused: Senators Amondson, DeJarnatt, Fleming, Niemi, Sellar, Wojahn - 6.

ENGROSSED HOUSE BILL NO. 2131, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2070, by Committee on Housing (originally sponsored by Representatives Todd and Hargrove)

Applying the state building code to buildings or structures moved into a county or city.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** The legislature finds that moved buildings or structures can provide affordable housing for many persons of lower income; that many of the moved structures or buildings were legally built to the construction standards of their day; and that requiring the moved building or structure to meet all new construction codes may limit their use as an affordable housing option for persons of lower income.

The legislature further finds that application of the new construction code standards to moved structures and buildings present unique difficulties and that it is the intent of the legislature that any moved structure or building that meets the codes at the time it was constructed does not need to comply with any updated state building code unless the structure is substantially remodeled or rebuilt.

**NEW SECTION, Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

(1) Residential buildings or structures moved into or within a county or city are not required to comply with all of the requirements of the codes enumerated in chapters 19.27 and 19.27A RCW, as amended and maintained by the state building code council, if the original occupancy classification of the building or structure is not changed as a result of the move.

(2) This section shall not apply to residential structures or buildings that are substantially remodeled or rehabilitated, nor to any work performed on a new or existing foundation.

(3) For the purposes of determining whether a moved building or structure has been substantially remodeled or rebuilt, any cost relating to preparation, construction, or renovation of the foundation shall not be considered.

Sec. 3. Section 2, chapter 360, Laws of 1985 and RCW 19.27.074 are each amended to read as follows:

(1) The state building code council shall:

(a) Maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings;

~~((and))~~ (d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090; and

(e) Adopt rules pursuant to chapter 34.05 RCW for the purpose of this subsection.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter ~~((34.04))~~ 34.05 RCW.

All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "amending RCW 19.27.074; adding a new section to chapter 19.27 RCW; and creating a new section."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2070, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2070, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2070, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Excused: Senators Amondson, DeJarnatt, Niemi, Sellar, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 2070, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337, by Committee on Health Care (originally sponsored by Representatives Cole, Braddock, Scott, Cantwell, Leonard and Dellwo)

Mandating imprinting of over-the-counter medications.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Health Care and Corrections amendments were considered simultaneously and were adopted:

On page 2, after line 4, insert the following:

"(8) The legislature supports and encourages efforts that are being made to establish a national, legally enforceable system governing the imprinting of solid dosage form over-the-counter medications, which system is consistent with the requirements of this chapter."

On page 3, after line 32, add a new section to read as follows:

"NEW SECTION. Sec. 9. Before January 1, 1993, the board of pharmacy will consult with the state toxicologist to determine whether the federal government has established a legally enforceable system that is substantially equivalent to the requirements of this chapter, which governs the imprinting of solid dosage form over-the-counter medication. To be substantially equivalent, the effective dates for implementation of the federal system must be the same or earlier than the dates of implementation set out in the state system. If the board determines that the federal system is substantially equivalent to the state system, this chapter will cease to exist on January 1, 1993. If the board determines that the federal system is substantially equivalent, except that the federal dates for implementation are later than the Washington state dates, this chapter will cease to exist when the federal system is implemented."

Renumber the remaining sections consecutively.

On page 3, line 33, after "through" strike "8" and insert "9"

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1337, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1337, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1337, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senator Lee - 1.

Excused: Senators Amondson, DeJarnatt, Niemi, Sellar, Wojahn - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

## SENATE RESOLUTION 1989-8659

by Senators McMullen and Metcalf

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April, the tulips are in bloom celebrating the beginning of spring; and

WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, This year's sixth annual event will run from April 1 through April 11, with the festival focusing on Sedro Woolley, Burlington, Anacortes, LaConner, and Mount Vernon; and

WHEREAS, Nearly a half of a million people visited the festival last year, bringing pleasure and excitement to visitors and a strong economic impact to Skagit Valley; and

WHEREAS, Visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and

WHEREAS, The Taste of Skagit Food Fair, the Sousa Concert, the Paccar Open House, the 10K Run, and the tenth annual Slug Run highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the five communities of Skagit County and the Chambers of Commerce for their pending Sixth Annual Skagit County Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend those community leaders and corporate sponsors responsible for the success of this important event and that we encourage citizens from across Washington State to take the time to enjoy the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, April 1 through 11, 1989.

Senators Metcalf and McDonald spoke to Senate Resolution 1989-8659.

## INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore turned the gavel over to Senator McMullen who introduced the two "Little Miss Tulips," seven year-old Stephanie Dix and nine year-old, Cody Sims, as well as the coordinator of the Tulip Festival, Ms. Audrey Medved, and Skagit County Auditor, Jerry McInturff, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit the two "Little Miss Tulips" to address the Senate.

Senator McMullen returned the gavel to the President Pro Tempore and the honored guests were escorted from the Senate Chamber.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 1072, by Representatives Rasmussen, Dorn, Brumsickle, Berozoff, Rayburn, Fuhrman, Peery, Pruitt, Walker, Valle, Spanel, R. Meyers, Prentice, Kremen, Rust, Wineberry, Heavey, Rector, Morris, Patrick, Leonard, Basich, Wang, Winsley, P. King, Bowman, G. Fisher, K. Wilson, Miller, Wolfe, Nealey, Brough, Crane, Walk, Schoon, Todd, Phillips and Anderson

Prohibiting air guns on school premises.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Pullen was adopted:

On page 1, after line 21, insert the following:

"Any violation of subsection (1) of this section constitutes grounds for expulsion."

On motion of Senator Owen, the following amendment by Senators Owen, Pullen and Bailey was adopted:

On page 2, line 2, after "premises" insert "; or

(e) Any student while the student is participating in a firearms or air gun competition approved by the school or school district"

## MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1072, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1072, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1072, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senator Hayner - 1.

Excused: Senators Amondson, DeJarnatt, Niemi, Sellar, Wojahn - 5.

HOUSE BILL NO. 1072, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1545, by Representatives Schmidt, R. Fisher, Betzoff, Jacobsen, Rust, Holland, Walk, Wood, H. Sommers, Walker, Sprengle, Hankins, S. Wilson, Patrick, Smith, Haugen, Horn and Winsley (by request of Legislative Transportation Committee)

Increasing penalties for registering a vehicle in another state.

The bill was read the second time.

## MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1545 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1545.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1545 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 44.

Excused: Senators Amondson, DeJarnatt, Niemi, Sellar, Wojahn - 5.

ENGROSSED HOUSE BILL NO. 1545, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1757, by Representatives Fuhrman, Morris, Dellwo, Raiter, Cooper, Brumsickle, Grant, H. Myers, Peery, Ballard, Hankins, Smith, Rector and Nealey

Permitting certain second class school districts to hire officers' spouses as substitute teachers.

The bill was read the second time.

## MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 44, Laws of 1983 1st ex. sess. and RCW 42.23.030 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under section 2 of this act, that there is a shortage of substitute teachers in the school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.60 RCW to read as follows:

The board of directors of each second class school district shall adopt a written policy governing procedures for the letting of any employment contract authorized under RCW 42.23-.030. This policy shall include provisions to ensure fairness and the appearance of fairness in all matters pertaining to employment contracts so authorized.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 42.23.030; adding a new section to chapter 28A.60 RCW; and declaring an emergency."

#### MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1757, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1757, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Excused: Senators Amondson, DeJarnatt, Niemi, Sellar, Wojahn - 5.

HOUSE BILL NO. 1757, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1524, by Representatives Nelson, Brooks and Braddock (by request of Department of Corrections)

Changing provisions relating to Washington state correctional industries.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1524 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1524.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1524 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Excused: Senators Amondson, DeJarnatt, Niemi, Sellar, Wojahn - 5.

HOUSE BILL NO. 1524, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1031, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Fuhrman, Sayan, Silver, Holland, Heavey, Winsley and Betzoff) (by request of Legislative Budget Committee)

Making changes to state budget requests.

The bill was read the second time.



## MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 4, after line 18, insert the following:

"NEW SECTION, Sec. 4. A new section is added to chapter 43.34 RCW to read as follows:

(1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of general administration to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

The governor shall appoint the chair and vice-chair and shall instruct the director of general administration to provide the staff and resources necessary for implementing this section. The advisory committee shall meet at least once every ninety days and at the call of the chair.

The members of the committee shall be reimbursed as provided in RCW 43.03.220 and 44.04.120.

(3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) The advisory committee shall review plans and designs affecting state capitol facilities as they are developed. The advisory committee's review shall include:

- (a) The process of solicitation and selection of appropriate professional design services including design-build proposals;
- (b) Compliance with the capitol campus master plan and design concepts as adopted by the capitol committee;
- (c) The design, siting, and grouping of state capitol facilities relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns, and other factors;
- (d) The relationship of overall state capitol facility planning to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and
- (e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings."

Renumber the remaining section consecutively.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike "and" and on line 2, after "43.88 RCW" insert "; and adding a new section to chapter 43.34 RCW"

## MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1031, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1031, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1031, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators Amondson, DeJarnatt, Niemi, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 1031, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1071, by Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Nealey, Patrick, Wolfe, Wood, P. King and Crane)

Regarding collateral attacks on convictions.

The bill was read the second time.

#### MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 17, after "1, 2," strike "4, and 9" and insert "and 4"

On page 3, beginning on line 19, strike all of section 9

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Talmadge on page 3, line 17 and 19, to Substitute House Bill No. 1071.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1071, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1071, as amended by the Senate, was deferred.

#### SECOND READING

HOUSE BILL NO. 2016, by Representatives Miller, Jacobsen, Spanel, Heavey, Wood, Belcher, H. Myers, Inslee, Rector, Hankins, Anderson, O'Brien, R. King, Valle, Winsley, Jesernig, P. King and Kremen

Requiring a conference on gender equity in athletics.

The bill was read the second time.

#### MOTIONS

On motion of Senator Saling, the following amendment by Senators Saling and Bailey was adopted:

On page 1, after line 26, insert the following:

"Sec. 2. Section 2, chapter 226, Laws of 1975 1st ex. sess. and RCW 28A.85.020 are each amended to read as follows:

The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(1) Specifically with respect to public school employment, all schools shall be required to:

(a) Maintain credential requirements for all personnel without regard to sex;

(b) Make no differentiation in pay scale on the basis of sex;

(c) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed.

(d) Provide the same opportunities for advancement to males and females; and

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(2) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(3) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex in grades four through twelve if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(4) Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

((4)) (5) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

((5)) (6) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes."

On motion of Senator Saling, the following title amendment was adopted:  
On page 1, line 1 of the title, after "athletics;" insert "amending RCW 28A.85.020."

#### MOTION

On motion of Senator Saling, the rules were suspended, House Bill No. 2016, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2016, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2016, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Amondson, DeJarnatt, Niemi - 3.

HOUSE BILL NO. 2016, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1019, by Representatives P. King and Scott

Allowing home detention for certain burglars.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 7, line 9, after "years" insert "and no more than two prior convictions for burglary"

On page 7, line 10, after "years" insert "and not more than two prior convictions for a violent felony offense"

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1019, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1019, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1019, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Anderson, Pullen, Rasmussen - 3.

Excused: Senators Amondson, DeJarnatt, Niemi - 3.

ENGROSSED HOUSE BILL NO. 1019, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1862, by Representatives McLean, Hine, Sayan, Silver, Winsley, Van Luven and Doty

Providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools.

The bill was read the second time.

#### MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 274, Laws of 1947 as last amended by section 7, chapter 13, Laws of 1985 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

~~(Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after June 15, 1979.)~~

Each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after June 15, 1979, in which the member makes member contributions under this chapter for each month of such academic year, and the member is employed in a position which is restricted as to duration by the employer to the academic year.))

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for seventy or more hours is rendered. Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.

~~((During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day.))~~

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month.

~~((During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.))~~

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.

~~((Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.))~~

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund

which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the director may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if the member has less than two years of service then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 2. Section 1, chapter 23, Laws of 1973 as last amended by section 1, chapter 136, Laws of 1987 and RCW 41.40.450 are each amended to read as follows:

(1) During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. For members who established membership in the retirement system on or before September 30, 1977, the member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day. For members who established membership in the retirement system on or after October 1, 1977, the member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.

(2) Notwithstanding any other law, or rule or regulation of the director, any members employed by ((the)) school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges who ((is)) are actually employed ((by the district)) on a continuous nine month basis and who earn((s)) at least nine months of service credit under RCW 41.40.010(9) during the ((school district's fiscal)) contract year or school year of employment shall receive credit for twelve months of service.

((2)) (3) The provisions of subsection ((1)) (2) of this section shall be effective on a retroactive basis for all members who retire after ((July 26, 1987)) the effective date of this act."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator McDonald to not adopt the Committee on Ways and Means striking amendment to Engrossed House Bill No. 1862.

The motion by Senator McDonald carried and the committee amendment was not adopted.

#### MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1862 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator Vognild was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1862.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1862 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Owen - 1.

Excused: Senators Amundson, DeJarnatt, Niemi, Vognild - 4.

ENGROSSED HOUSE BILL NO. 1862, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator McMullen was excused.  
President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5960, deferred on second reading April 6, 1989.

#### MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 5, after line 4, insert the following:

"Sec. 7. Section 3, chapter 56, Laws of 1987 as amended by section 201, chapter 202, Laws of 1987 and by section 3, chapter 382, Laws of 1987 and RCW 36.18.020 are each reenacted and amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:



(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((seventy-eight))~~ one hundred dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of ~~((seventy-eight))~~ one hundred dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of ~~((twenty-five))~~ fifty dollars; if the demand is for a jury of twelve the fee shall be ~~((fifty))~~ one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional ~~((twenty-five))~~ fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy-eight dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection ~~((12))~~ ~~((13))~~ (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of seventy-eight dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application there shall be a fee of four dollars.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmation of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

Sec. 8. Section 338, chapter 258, Laws of 1984 as amended by section 27, chapter 57, Laws of 1985 and RCW 43.08.250 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, representation of indigent persons, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

**NEW SECTION.** Sec. 9. (1) The sum of one million six hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the department of community development for the biennium ending June 30, 1991. This appropriation is furnished solely for the department to contract with counties or cities for the purpose of providing representation for indigent persons.

(2) The sum of six hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the department of community development for the biennium ending June 30, 1991. This appropriation is furnished solely for the department to allocate to the counties for public defender services for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

**NEW SECTION.** Sec. 10. The senate committee on law and justice and the house of representatives committee on judiciary shall conduct a study on the manner in which qualified legal services organizations provide civil representation to indigent persons in the state of Washington. The study shall include, but not be limited to, a review of: The purpose and intent of the federal charter establishing such services; the implementation of the federal charter at the state level; funding of such programs from federal, state, and private sources; the delivery of services and the types of services offered to indigent persons; the numbers and categories of persons served; types of personal services contracts entered into by such organizations; workload of the organizations; and the need for additional funding and options for such funding from public and private sources."

Renumber the remaining section consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 5, after line 4, to Second Substitute Senate Bill No. 5960.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 5960 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5960.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5960 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Bauer, Conner, Hansen, Sutherland - 4.

Excused: Senators Amondson, DeJarnatt, McMullen, Niemi - 4.

SECOND SUBSTITTUTE SENATE BILL NO. 5960, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 27, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITTUTE SENATE BILL NO. 5098 with the following amendment:

On page 15, line 3 after "toll" insert "filed by a telecommunications company".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Benitz, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5098.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5098, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5098, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 42.

Voting nay: Senators Rasmussen, Williams, Wojahn - 3.

Excused: Senators Amondson, DeJarnatt, McMullen, Niemi - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5098, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5126 with the following amendment:

On page 1, line 20 after "site" strike " : PROVIDED, That the" and insert "(~~PROVIDED, That~~)",  
The".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Benitz, the Senate concurred in the House amendment to Substitute Senate Bill No. 5126.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5126, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5126, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, DeJarnatt, McMullen, Niemi - 4.

SUBSTITUTE SENATE BILL NO. 5126, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Smith was excused.

## MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5127 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 10, chapter 234, Laws of 1986 and RCW 35.02.078 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated (~~if the boundary review board approves or modifies and approves the proposal, or~~) if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or (~~the approval or modification and approval~~) by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election.

Sec. 2. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions: AND PROVIDED FURTHER, That a board shall not modify a proposed incorporation of a city by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district((~~PROVIDED, That a board shall not have jurisdiction~~)); (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) disapprove the incorporation of a city or disincorporation of a city or town.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action other than an incorporation or disincorporation of a city or town, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record. A document describing an action, finding, or conclusion made by a boundary review board may be signed by the chairman or vice-chairman at or out of a public meeting.

Sec. 3. Section 10, chapter 189, Laws of 1967 as last amended by section 3, chapter 477, Laws of 1987 and RCW 36.93.100 are each amended to read as follows:

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

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

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

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

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

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

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

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

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

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

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

Sec. 4. Section 5, chapter 147, Laws of 1984 and RCW 36.93.105 are each amended to read as follows:

The following actions shall not be subject to potential review by a boundary review board:

(1) Annexations of territory to a water or sewer district pursuant to RCW 36.94.410 through 36.94.440 (~~shall not be reviewed by a boundary review board~~);

(2) Revisions of city or town boundaries pursuant to RCW 35.21.790 or 35A.21.210;

(3) Adjustments to city or town boundaries pursuant to section 24 of this act; and

(4) Adjustments to city and town boundaries pursuant to sections 12 through 15 of this act.

Sec. 5. Section 17, chapter 189, Laws of 1967 as last amended by section 33, chapter 234, Laws of 1986 and RCW 36.93.170 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive ~~(use)~~ plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW.

Sec. 6. Section 18, chapter 189, Laws of 1967 as last amended by section 10, chapter 332, Laws of 1981 and RCW 36.93.180 are each amended to read as follows:

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries;
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
- (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

~~((10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes will remain reasonably equal to the value of the additional municipal services to be received during a period of ten years following the effective date of the proposed annexation. This objective shall apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings)).~~

Sec. 7. Section 2, chapter 220, Laws of 1975 1st ex. sess. as amended by section 25, chapter 234, Laws of 1986 and RCW 35.02.170 are each amended to read as follows:

~~((Centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding.))~~ The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation ~~((or annexation))~~ proceeding. The boundaries of a newly incorporated city or town shall not include a portion of the right of way of any public street, road or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way.

NEW SECTION. Sec. 8. A new section is added to chapter 35.13 RCW to read as follows:

The boundaries of a city or town arising from an annexation of territory shall not include a portion of the right of way of any public street, road, or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way. However, the right of way line of any public street, road, or highway, or any segment thereof, may be used to define a part of a corporate boundary in an annexation proceeding.

NEW SECTION. Sec. 9. A new section is added to chapter 35A.14 RCW to read as follows:

The boundaries of a code city arising from an annexation of territory shall not include a portion of the right of way of any public street, road, or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way. However, the right of way line of any public street, road, or highway, or any segment thereof, may be used to define a part of a corporate boundary in an annexation proceeding.

Sec. 10. Section 17, chapter 220, Laws of 1975 1st ex. sess. and RCW 35.21.790 are each amended to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the ~~((board of))~~ county ~~((commissioners or county council))~~ legislative authority. Such a boundary revision is not subject to potential review by a boundary review board.

Sec. 11. Section 18, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.21.210 are each amended to read as follows:

(1) The governing bodies of a county and any code city (~~((or town))~~) located therein may by agreement revise any part of the corporate boundary of the city (~~((or town))~~) which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city (~~((or town))~~).

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city (~~((or town))~~) council (~~((or commission))~~) and by ordinance or resolution of the (~~(board of county commissioners or)~~) county (~~((council))~~) legislative authority. Such a boundary revision is not subject to potential review by a boundary review board.

NEW SECTION, Sec. 12. A new section is added to chapter 35.13 RCW to read as follows:

The purpose of sections 12 through 15 of this act is to establish a process for the adjustment of existing or proposed city boundary lines to avoid a situation where a common boundary line is or would be located within a right of way of a public street, road, or highway, or a situation where two cities are separated or would be separated by only the right of way of a public street, road, or highway, other than situations where a boundary line runs from one edge of the right of way to the other edge of the right of way.

As used in sections 12 through 15 of this act, "city" includes every city or town in the state, including a code city operating under Title 35A RCW.

NEW SECTION, Sec. 13. A new section is added to chapter 35.13 RCW to read as follows:

(1) This section provides a method to adjust the boundary lines between two cities where the two cities share a common boundary within a right of way of a public street, road, or highway, or the two cities have a portion of their boundaries separated only by all or part of the right of way of a public street, road, or highway. However, this section does not apply to situations where a boundary line runs from one edge of the right of way to the other edge of the right of way.

(2) The councils of any two cities in a situation described in subsection (1) of this section may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right of way of the public street, road, or highway. An agreement made under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in subsection (1) of this section.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION, Sec. 14. A new section is added to chapter 35.13 RCW to read as follows:

The councils of any two cities that will be in a situation described in section 13(1) of this act as the result of a proposed annexation by one of the cities may enter into an agreement to adjust those portions of the annexation proposal and the boundaries of the city that is not proposing the annexation. Such an agreement shall not be effective unless the annexation is made.

The annexation proposal shall proceed if such an agreement were not made, but any resulting boundaries between the two cities that meet the descriptions of section 13(1) of this act shall be adjusted by agreement between the two cities within one hundred eighty days of the effective date of the annexation, or the county legislative authority of the county within which the right of way is located shall adjust the boundaries within a sixty-day period immediately following the one hundred eightieth day.

An agreement or adjustment made by a county under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in section 13(1) of this act.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION, Sec. 15. A new section is added to chapter 35.13 RCW to read as follows:

(1) The purpose of this section is to avoid situations arising where the boundaries of an existing city and a newly incorporated city would create a situation described in section 13(1) of this act.

(2) A boundary review board that reviews the boundaries of a proposed incorporation may enter into an agreement with the council of a city, that would be in a situation described in subsection (1) of this section as the result of a proposed incorporation of a city, to adjust the boundary line of the city and those of the city proposed to be incorporated to avoid this situation described in subsection (1) of this section if the incorporation were to be approved by the voters. Such an agreement shall not be effective unless the incorporation occurs.

The incorporation proposal shall proceed if such an agreement were not made, but any resulting boundaries between the two cities that meet create a situation described in section 13(1) of this act shall be adjusted by agreement between the two cities within one hundred eighty days of the official date of the incorporation, or the county legislative authority of the

county within which the right of way is located shall adjust the boundaries within a sixty-day period immediately following the one hundred eightieth day.

An agreement or adjustment made by a county under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in section 13(1) of this act.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

**NEW SECTION.** Sec. 16. A new section is added to chapter 36.93 RCW to read as follows:

Boundary review board approval, or modification and approval, of a proposed annexation by a city, town, or special purpose district shall authorize annexation as approved and shall not authorize any other annexation action.

**NEW SECTION.** Sec. 17. A new section is added to chapter 36.93 RCW to read as follows:

The boundary review board in class AA counties shall consist of eleven members chosen as follows:

- (1) Three persons shall be appointed by the governor;
- (2) Three persons shall be appointed by the county appointing authority;
- (3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and
- (4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

**NEW SECTION.** Sec. 18. A new section is added to chapter 36.93 RCW to read as follows:

The boundary review board in all counties other than class AA counties shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;
- (3) One person shall be appointed by the mayors of the cities and towns located within the county; and
- (4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if



the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

**NEW SECTION, Sec. 19.** A new section is added to chapter 36.93 RCW to read as follows:

The executive of the county shall make the appointments under sections 17 and 18 of this act for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county becomes a class AA county. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county becomes a class AA county.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

**NEW SECTION, Sec. 20.** A new section is added to chapter 36.93 RCW to read as follows:

Each boundary review board that is in existence as of the effective date of this section shall designate the terms of office of its members to conform with the staggering of terms as established under sections 17 and 18 of this act by September 1, 1989. The members who were appointed independently by the governor shall remain as gubernatorial appointees. The member or members who were appointed by the governor from nominees of the county legislative authority shall be considered to be appointees of the county. The member or members who were appointed by the governor from nominees of the mayors shall be considered to be appointees of the mayors. The member or members who were appointed by the governor from nominees of the special districts shall be considered to be appointees by the board from nominees of the special districts.

No board member may serve on a board more than eight consecutive years. However, any board member serving on the effective date of this section who has served or will serve in excess of this limitation as his or her term of office is adjusted under this section may remain in office for the remainder of his or her term.

**NEW SECTION, Sec. 21.** A new section is added to chapter 36.93 RCW to read as follows:

Whenever appointments under sections 17 through 20 of this act have not been made by the appointing authority, the size of the board shall be considered to be reduced by one member for each position that remains vacant or unappointed.

**NEW SECTION, Sec. 22.** A new section is added to chapter 35.13 RCW to read as follows:

A city or town may cause a proposition authorizing an area to be annexed to the city or town to be submitted to the qualified voters of the area proposed to be annexed in the same ballot proposition as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and the assumption of indebtedness shall be authorized only if the proposition is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the proposition, and the number of persons voting on the proposition constitutes not less than forty percent of the total number of votes cast in the area at the last preceding general election.

However, the city or town council may adopt a resolution accepting the annexation, without the assumption of indebtedness, where the combined ballot proposition is approved by a simple majority vote of the voters voting on the proposition.

**NEW SECTION.** Sec. 23. A new section is added to chapter 35A.14 RCW to read as follows:

A code city may cause a proposition authorizing an area to be annexed to the city to be submitted to the qualified voters of the area proposed to be annexed in the same ballot proposition as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and the assumption of indebtedness shall be authorized only if the proposition is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the proposition, and the number of persons voting on the proposition constitutes not less than forty percent of the total number of votes cast in the area at the last preceding general election.

However, the code city council may adopt a resolution accepting the annexation, without the assumption of indebtedness, where the combined ballot proposition is approved by a simple majority vote of the voters voting on the proposition.

**NEW SECTION.** Sec. 24. A new section is added to chapter 35.13 RCW to read as follows:

The boundaries of a city shall be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without of the boundaries of that city upon the governing body of the city adopting a resolution approving such an adjustment that was requested in a petition signed by the owner of the parcel. A boundary adjustment made pursuant to this section shall not be subject to potential review by the boundary review board of the county within which the parcel is located if the remaining portion of the parcel to be included or excluded from the city is located in the unincorporated area of the county and the adjustment is approved by resolution of the county legislative authority or in writing by a county official or employee of the county who is designated by ordinance of the county to make such approvals.

Where part of a single parcel of land is located within the boundaries of one city, and the remainder of the parcel is located within the boundaries of a second city that is located immediately adjacent to the first city, the boundaries of the two cities may be adjusted so that all of the parcel is located within either of the cities, if the adjustment was requested in a petition signed by the property owner and is approved by both cities. Approval by a city may be through either resolution of its city council, or in writing by an official or employee of the city who has been designated by ordinance of the city to make such approvals. Such an adjustment is not subject to potential review by the boundary review board of the county in which the parcel is located.

Whenever a portion of a public right of way is located on such a parcel, the boundary adjustment shall be made in such a manner as to include all or none of that portion of the public right of way within the boundaries of the city.

As used in this section, "city" shall include any city or town, including a code city.

**NEW SECTION.** Sec. 25. A new section is added to chapter 35.02 RCW to read as follows:

Actions taken under chapter 35.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 26. A new section is added to chapter 35.07 RCW to read as follows:

Actions taken under chapter 35.07 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 27. A new section is added to chapter 35.10 RCW to read as follows:

Actions taken under chapter 35.10 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 28. A new section is added to chapter 35.13 RCW to read as follows:

Actions taken under chapter 35.13 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 29. A new section is added to chapter 35.16 RCW to read as follows:

Actions taken under chapter 35.16 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 30. A new section is added to chapter 35.43 RCW to read as follows:

The creation of a local improvement district outside of the boundaries of a city or town to provide water or sewer facilities may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 31. A new section is added to chapter 35.61 RCW to read as follows:

The creation of a metropolitan park district, and an annexation by, or dissolution or disincorporation of, a metropolitan park district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 32. A new section is added to chapter 35.67 RCW to read as follows:

The extension of sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 33. A new section is added to chapter 35.91 RCW to read as follows:

The extension of water or sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 34. A new section is added to chapter 35.92 RCW to read as follows:

The extension of water or sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 35. A new section is added to chapter 35A.02 RCW to read as follows:

Actions taken under chapter 35A.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 36. A new section is added to chapter 35A.03 RCW to read as follows:

Actions taken under chapter 35A.03 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 37. A new section is added to chapter 35A.05 RCW to read as follows:

Actions taken under chapter 35A.05 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 38. A new section is added to chapter 35A.14 RCW to read as follows:

Actions taken under chapter 35A.14 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 39. A new section is added to chapter 35A.15 RCW to read as follows:

Actions taken under chapter 35A.15 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 40. A new section is added to chapter 35A.16 RCW to read as follows:

Actions taken under chapter 35A.16 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 41. A new section is added to chapter 52.02 RCW to read as follows:

Actions taken under chapter 52.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 42. A new section is added to chapter 52.04 RCW to read as follows:

Actions taken under chapter 52.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 43. A new section is added to chapter 52.06 RCW to read as follows:

Actions taken under chapter 52.06 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 44. A new section is added to chapter 52.08 RCW to read as follows:

Actions taken under chapter 52.08 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 45. A new section is added to chapter 52.10 RCW to read as follows:

Actions taken under chapter 52.10 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 46. A new section is added to chapter 53.48 RCW to read as follows:

The dissolution of a metropolitan park district, fire protection district, sewer district, water district, or flood control zone district under chapter 53.48 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 47. A new section is added to chapter 54.08 RCW to read as follows:

Actions taken under chapter 54.08 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 48. A new section is added to chapter 54.16 RCW to read as follows:

The provision of water service beyond the boundaries of a public utility district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 49. A new section is added to chapter 54.32 RCW to read as follows:

Actions taken under chapter 54.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 50. A new section is added to chapter 56.04 RCW to read as follows:

Actions taken under chapter 56.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 51. A new section is added to chapter 56.08 RCW to read as follows:

The provision of sewer service beyond the boundaries of a sewer district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 52. A new section is added to chapter 56.24 RCW to read as follows:

Actions taken under chapter 56.24 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 53. A new section is added to chapter 56.28 RCW to read as follows:

Actions taken under chapter 56.28 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 54. A new section is added to chapter 56.32 RCW to read as follows:

Actions taken under chapter 56.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 55. A new section is added to chapter 56.36 RCW to read as follows:

Actions taken under chapter 56.36 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 56. A new section is added to chapter 57.04 RCW to read as follows:

Actions taken under chapter 57.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 57. A new section is added to chapter 57.08 RCW to read as follows:

The provision of water service beyond the boundaries of a water district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 58. A new section is added to chapter 57.24 RCW to read as follows:

Actions taken under chapter 57.24 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 59. A new section is added to chapter 57.28 RCW to read as follows:

Actions taken under chapter 57.28 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 60. A new section is added to chapter 57.32 RCW to read as follows:

Actions taken under chapter 57.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 61. A new section is added to chapter 57.36 RCW to read as follows:

Actions taken under chapter 57.36 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 62. A new section is added to chapter 57.40 RCW to read as follows:

Actions taken under chapter 57.40 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 63. A new section is added to chapter 57.90 RCW to read as follows:

Actions taken under chapter 57.90 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 64. A new section is added to chapter 85.38 RCW to read as follows:

The establishment of a drainage district, drainage improvement district, or drainage or diking improvement district may be subject to potential review by a boundary review board under chapter 36.93 RCW. Annexations, consolidations, or transfers of territory by a drainage district, drainage improvement district, or drainage or diking improvement district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 65. A new section is added to chapter 86.15 RCW to read as follows:

The creation of a flood control zone district may be subject to potential review by a boundary review board under chapter 36.93 RCW. Extensions of service outside of the boundaries of a flood control zone district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 66. A new section is added to chapter 87.03 RCW to read as follows:

The formation of an irrigation district may be subject to potential review by a boundary review board under chapter 36.93 RCW. The alteration of the boundaries of an irrigation district, including but not limited to a consolidation, addition of lands, exclusion of lands, or merger, may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 67. A new section is added to chapter 87.52 RCW to read as follows:

Actions taken under chapter 87.52 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 68. A new section is added to chapter 87.53 RCW to read as follows:

Actions taken under chapter 87.53 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 69. A new section is added to chapter 87.56 RCW to read as follows:

Actions taken under chapter 87.56 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**NEW SECTION.** Sec. 70. A new section is added to chapter 35.21 RCW to read as follows:

A city or town may provide factual information on the effects of a proposed boundary change on the city or town and the area potentially affected by the boundary change. A statement that the city or town has such information available, and copies of any printed materials or information available to be provided to the public shall be filed with the boundary review board for the board's information.

**NEW SECTION.** Sec. 71. The following acts or parts of acts are each repealed:

- (1) Section 5, chapter 189, Laws of 1967, section 1, chapter 98, Laws of 1967 ex. sess., section 2, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.050; and
- (2) Section 6, chapter 189, Laws of 1967, section 3, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.060."

On page 1, line 1 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 35.02.078, 36.93.150, 36.93.100, 36.93.105, 36.93.170, 36.93.180, 35.02.170, 35.21.790, and 35A.21.210; adding new sections to chapter 36.93 RCW; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.07 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35.16 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.91 RCW; adding a

new section to chapter 35.92 RCW; adding a new section to chapter 35A.02 RCW; adding a new section to chapter 35A.03 RCW; adding a new section to chapter 35A.05 RCW; adding a new section to chapter 35A.15 RCW; adding a new section to chapter 35A.16 RCW; adding a new section to chapter 52.02 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 52.06 RCW; adding a new section to chapter 52.08 RCW; adding a new section to chapter 52.10 RCW; adding a new section to chapter 53.48 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 54.32 RCW; adding a new section to chapter 56.04 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 56.24 RCW; adding a new section to chapter 56.28 RCW; adding a new section to chapter 56.32 RCW; adding a new section to chapter 56.36 RCW; adding a new section to chapter 57.04 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 57.24 RCW; adding a new section to chapter 57.28 RCW; adding a new section to chapter 57.32 RCW; adding a new section to chapter 57.36 RCW; adding a new section to chapter 57.40 RCW; adding a new section to chapter 57.90 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 87.52 RCW; adding a new section to chapter 87.53 RCW; adding a new section to chapter 87.56 RCW; and repealing RCW 36.93.050 and 36.93.060."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 5127.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5127, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5127, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Voting nay: Senators Fleming, Kreidler, Madsen, Rinehart, Sutherland, Talmadge, Vognild - 7.

Excused: Senators Amondson, DeJarnatt, Niemi, Smith - 4.

SUBSTITUTE SENATE BILL NO. 5127, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5933 with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

The legislature finds that: (1) State employees historically have joined together to help their fellow employees who suffer from, or have relatives or household members suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which prevents the individual from working and causes great economic and emotional distress to the employee and his or her family; and (2) these circumstances may be exacerbated because the affected employees use all their accrued sick leave and annual leave and are forced to take leave without pay or terminate their employment. Therefore, the legislature intends to provide for the establishment of a leave sharing program.

**NEW SECTION.** Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 7 of this act.

(1) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(2) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(3) "Program" means the leave sharing program established in section 3 of this act.

**NEW SECTION.** Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

The Washington state leave sharing program is hereby created. The purpose of the program is to permit state employees, at no significantly increased cost to the state of providing annual leave, to come to the aid of a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

**NEW SECTION.** Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(b) The employee's absence and the use of shared leave are justified;

(c) The employee has depleted or will shortly deplete his or her annual leave and sick leave reserves;

(d) The employee has abided by agency rules regarding sick leave use; and

(e) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than two hundred sixty-one days of leave.

(3) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days.

(4) Transfers of leave made by an agency head under subsection (3) of this section shall not exceed the requested amount.

(5) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency. However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district.

(6) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the annual leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(7) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(8) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

**NEW SECTION.** Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

The state personnel board, the higher education personnel board, and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of sections 1 through 4 of this act; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave in accordance with section 4(5) of this act; (3) establishing procedures to ensure that the program does not significantly increase the cost of providing annual leave; and (4) providing for the administration of the program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.58 RCW to read as follows:

Every school district board of directors and educational service district superintendent may, in accordance with sections 1 through 4 of this act, establish and administer an annual leave sharing program for their certificated and noncertificated employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt standards: (1) Establishing appropriate parameters for the program which are consistent with the provisions of sections 1 through 4 of this act; and (2) establishing procedures to ensure that the program does not significantly increase the cost of providing annual leave.

NEW SECTION. Sec. 7. School districts, the department of personnel, the higher education personnel board, and other personnel authorities may adopt temporary emergency policies and procedures to implement the program on the effective date of this act so that donated leave may be used in lieu of leave without pay taken after the effective date of this act.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding new sections to chapter 41.04 RCW; adding a new section to chapter 28A.58 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5933.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5933, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5933, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, DeJarnatt, Niemi, Smith - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5933, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:14 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:02 p.m. by President Pro Tempore Bluechel.

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

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9116, Anne M. Wade, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF ANNE M. WADE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Conner, Johnson, Matson - 3.

Excused: Senators Amondson, DeJarnatt, Niemi - 3.

SECOND READING

ENGROSSED HOUSE BILL NO. 1909, by Representatives Horn, Haugen, Ferguson, Cooper, Silver, May, Raiter, Holland, Nelson, Phillips, K. Wilson, Betzoff, Brumsickle, Walker, Wood, Nealey, Wolfe, Nutley, Rayburn, Zellinsky, Todd, D. Sommers, Rector and Winsley

Authorizing local government to file abandoned intangible property records in archives after five years and transfer the property to its general fund.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following Committee on Governmental Operations amendment not be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. A new section is added to chapter 63.29 RCW to read as follows:

A local government holding abandoned intangible property that is not forwarded to the department of revenue shall not be required to maintain current records of this property for longer than five years after the property is presumed to be abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its current expense fund. However, the local government shall remain liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

Sec. 2. Section 19, chapter 179, Laws of 1983 and RCW 63.29.190 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170, within six months after the final date for filing the report as required by RCW 63.29.170, shall pay or deliver to the department all abandoned property required to be reported. Counties, cities, towns, and other municipal and quasi-municipal corporations which hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, checks which are uncashed, unredeemed bonds and coupons, excess proceeds from property tax and irrigation district foreclosures, and property tax overpayments, may retain such funds until the owner notifies them and establishes his or her ownership.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under RCW 63.29.170 for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the



duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

NEW SECTION, Sec. 3. A new section is added to chapter 63.29 RCW to read as follows:

Any funds covered by RCW 63.29.190 that were received by the state prior to the effective date of this act shall be retained by the state of Washington, and any such funds not remitted to the state prior to the effective date of this act may be retained as provided for under RCW 63.29.190.

NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President Pro Tempore declared the question before the Senate to be the motion by Senator McCaslin that the Committee on Governmental Operations striking amendment to Engrossed House Bill No. 1909 not be adopted.

The motion by Senator McCaslin carried and the committee amendment was not adopted.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1909 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1909.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1909 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Johnson - 1.

Excused: Senators Amondson, DeJarnatt, Niemi - 3.

ENGROSSED HOUSE BILL NO. 1909, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1032, by Representatives Holland, H. Sommers, Fuhrman, Sayan, Heavey and Betzoff (by request of Legislative Budget Committee)

Providing for general obligation bonds.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, a point of parliamentary inquiry, please. Since this bill may be dealing with an issue of bonding authority, would this require a sixty percent vote from the body?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Gaspard, I can't answer that without looking at the bill."

#### MOTION

On motion of Senator Nelson, further consideration of House Bill No. 1032 was deferred.

## SECOND READING

HOUSE BILL NO. 1033, by Representatives H. Sommers, Fuhrman, Brekke, Silver and Sayan (by request of Legislative Budget Committee)

Amending committee voucher authority.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1033.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1033 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Conner - 1.

Excused: Senators Amondson, DeJarnatt, Niemi - 3.

HOUSE BILL NO. 1033, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051, by Committee on Human Services (originally sponsored by Representatives Todd, Winsley, Crane, Walker, Moyer, Jacobsen, Bristow, Heavey, Appelwick, Prentice, D. Sommers, Leonard, Basich, Hine, Rust, Rector, Haugen, Vaile, Jones, Brekke, Rasmussen, Dorn, Walk, O'Brien, Dellwo, Kremen, Sayan, Locke, Ferguson, Wineberry, H. Myers, G. Fisher, K. Wilson, Patrick, Fuhrman, Van Luven, McLean, May, Schoon, Brumsickle, Phillips and Anderson)

Regarding developmentally disabled adults.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** A new section is added to chapter 10.77 RCW to read as follows:

With respect to this act, the legislature finds that among those persons who endanger the safety of others by committing felony crimes are a small number of persons with developmental disabilities. While their conduct is not typical of the vast majority of persons with developmental disabilities who are responsible citizens, for their own welfare and for the safety of others the state may need to exercise control over those few dangerous individuals who are developmentally disabled, have been charged with felony crimes, and have been found either incompetent to stand trial or not guilty by reason of insanity. The legislature finds, however, that the use of civil commitment procedures under chapter 71.05 RCW to effect state control over dangerous developmentally disabled persons has resulted in their commitment to institutions for the mentally ill. The legislature finds that existing programs in mental institutions may be inappropriate for persons who are developmentally disabled because the services provided in mental institutions are oriented to persons with mental illness, a condition not necessarily associated with developmental disabilities. Therefore, the legislature believes that, where appropriate, and subject to available funds, persons with developmental disabilities who have been charged with felony crimes and have been found incompetent to stand trial or not guilty by reason of insanity should receive state services addressing their needs, that such services must be provided in conformance with an individual habilitation plan, and that their

Initial treatment should be separate and discrete from treatment for persons involved in any other treatment or habilitation program in a manner consistent with the needs of public safety.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

With respect to this act, the legislature finds that among those persons who endanger the safety of others by committing felony crimes are a small number of persons with developmental disabilities. While their conduct is not typical of the vast majority of persons with developmental disabilities who are responsible citizens, for their own welfare and for the safety of others the state may need to exercise control over those few dangerous individuals who are developmentally disabled, have been charged with felony crimes, and have been found either incompetent to stand trial or not guilty by reason of insanity. The legislature finds, however, that the use of civil commitment procedures under chapter 71.05 RCW to effect state control over dangerous developmentally disabled persons has resulted in their commitment to institutions for the mentally ill. The legislature finds that existing programs in mental institutions may be inappropriate for persons who are developmentally disabled because the services provided in mental institutions are oriented to persons with mental illness, a condition not necessarily associated with developmental disabilities. Therefore, the legislature believes that, where appropriate, and subject to available funds, persons with developmental disabilities who have been charged with felony crimes and have been found incompetent to stand trial or not guilty by reason of insanity should receive state services addressing their needs, that such services must be provided in conformance with an individual habilitation plan, and that their initial treatment should be separate and discrete from treatment for persons involved in any other treatment or habilitation program in a manner consistent with the needs of public safety.

Sec. 3. Section 1, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 122, Laws of 1983 and RCW 10.77.010 are each amended to read as follows:

As used in this chapter:

(1) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(2) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to (himself) the person or his or her family.

(3) "Secretary" means the secretary of the department of social and health services or his or her designee.

(4) "Department" means the state department of social and health services.

(5) "Treatment" means any currently standardized medical or mental health procedure including medication.

(6) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(7) No condition of mind proximately induced by the voluntary act of a person charged with a crime shall constitute "insanity".

(8) "Furlough" means an authorized leave of absence for a resident of a state institution designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(9) "Developmental disability" means the condition defined in RCW 71A.10.020(2).

(10) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(11) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct.

(12) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(13) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW.

(14) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(15) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 4, Section 6, chapter 117, Laws of 1973 1st ex. sess. as amended by section 6, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.060 are each amended to read as follows:

(1) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. At least one of the experts or professional persons appointed shall be a developmental disabilities professional if the court is advised by any party that the defendant may be developmentally disabled. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examination, but not to exceed fifteen days.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that ~~(he)~~ the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the examination shall include the following:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the defendant;

(c) If the defendant suffers from a mental disease or defect, or is developmentally disabled, an opinion as to ~~(his)~~ competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, an opinion as to the defendant's sanity at the time of the act;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Sec. 5, Section 9, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.090 are each amended to read as follows:

(1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in RCW 10.77.060, as now or hereafter amended, that the defendant is incompetent, the court shall order the proceedings against ~~(him)~~ the defendant be stayed, except as provided in subsection (5) of this section, and, if the defendant is charged with a felony, may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and treatment at some other facility, or under the guidance and control of some other person, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event, for no longer than a period of ninety days. A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is developmentally disabled. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary. When appropriate, and subject to available funds, if the defendant is determined to be developmentally disabled, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. The program shall be separate from programs serving persons involved in any other treatment or

habilitation program. The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts. The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety. The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. A copy of the report shall be sent to the facility. On or before expiration of the initial ninety day period of commitment the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent. If the defendant is charged with a crime which is not a felony, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the county mental health professional to evaluate the defendant and commence proceedings under chapter 71.05 RCW if appropriate; and subsections (2) and (3) of this section shall not be applicable: PROVIDED, That, upon order of the court, the prosecutor may directly petition for fourteen days of involuntary treatment under chapter 71.05 RCW.

(2) If the court finds by a preponderance of the evidence that the defendant is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second ninety day period. The defendant, ~~(his)~~ the defendant's attorney, the prosecutor, or the judge shall have the right to demand that the hearing on or before the expiration of the second ninety day period be before a jury. No extension shall be ordered for a second ninety-day period, nor for any subsequent period as provided in subsection (3) of this section if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. If no demand is made, the hearing shall be before the court. The court or jury shall determine whether or not the defendant has become competent.

(3) At the hearing upon the expiration of the second ninety day period or at the end of the first ninety day period, in the case of a developmentally disabled defendant, if the jury or court, as the case may be, finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That the criminal charges shall not be dismissed if at the end of the second ninety day period, or at the end of the first ninety day period, in the case of a developmentally disabled defendant, the court or jury finds that the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, and that there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for an additional six months. At the end of said six month period, if the defendant remains incompetent, the charges shall be dismissed without prejudice and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order release of the defendant.

(4) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(5) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables ~~(him)~~ the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(6) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of examination which meets the requirements of RCW 10.77.060(3).

Sec. 6. Section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 25, Laws of 1983 and RCW 10.77.110 are each amended to read as follows:

(1) If a defendant is acquitted of a felony by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct ~~(his)~~ the defendant's final discharge. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter.

(2) If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant is developmentally disabled. When appropriate, and subject to available funds, the defendant may be committed to a program specifically

reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(3) If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he or she is in need of control by the court or other persons or institutions, the court shall direct ((his)) the defendant's conditional release. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate.

Sec. 7. Section 12, chapter 117, Laws of 1973 1st ex. sess. as amended by section 11, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.120 are each amended to read as follows:

The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his or her direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to ((his)) the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed to him or her as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. The examinations of all developmentally disabled persons committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be discharged from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of discharge.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him or her in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time ((he)) the person is absent from the facility, he or she shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return ((him)) the person to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 8. Section 14, chapter 117, Laws of 1973 1st ex. sess. as amended by section 12, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.140 are each amended to read as follows:

Each person committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his or her mental condition made by one or more experts or professional persons at least once every six months. Said person may retain, or if ((he)) the person is indigent and so requests, the court may appoint a qualified expert or professional person to examine him or her, and such expert or professional person shall have access to all hospital records concerning the person. In the case of a committed or conditionally released person who is developmentally disabled, the expert shall be a developmental disabilities professional. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section.

Sec. 9. Section 2, chapter 122, Laws of 1983 and RCW 10.77.163 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The

notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of ~~((the criminally insane))~~ persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.090 or 10.77.110. Notification shall be made at least forty-eight hours before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough. ~~((For emergency furloughs, forty-eight hours notice is not required, but notice shall be made before the departure:))~~

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, the prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

Sec. 10. Section 3, chapter 122, Laws of 1983 and RCW 10.77.165 are each amended to read as follows:

In the event of an escape by a ~~((criminally insane))~~ person committed under this chapter from a state institution or the disappearance of such a person on conditional release, the superintendent shall notify as appropriate, local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

Sec. 11. Section 20, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 25, Laws of 1983 and RCW 10.77.200 are each amended to read as follows:

(1) Upon application by the ~~((criminally insane))~~ committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he or she then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his choice. If the petitioner is indigent, and ~~((he))~~ the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner is developmentally disabled, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to other persons, and without presenting a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 12. Section 21, chapter 117, Laws of 1973 1st ex. sess. as amended by section 3, chapter 196, Laws of 1983 and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his or her attorney, to his or her personal physician, to the prosecuting attorney, to the court, to the protection and advocacy agency, or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the ~~((board of prison terms and paroles))~~ indefinite sentence review board if the person was on parole or probation at the time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which ~~((they were))~~ he or she was detained, hospitalized, or committed pursuant to this chapter.

Sec. 13. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Secretary" means the secretary of the department of social and health services, or his designee;

(11) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(14) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Developmental disability" means that condition defined in RCW 71A.10.020(2);

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(19) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for



employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

(20) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(21) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(22) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 14. Section 35, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 439, Laws of 1987 and RCW 71.05.300 are each amended to read as follows:

The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated county mental health professional. The designated county mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, and the prosecuting attorney, and provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

The court may, if requested, also appoint a professional person as defined in RCW 71.05.020(12) to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(3), then the appointed professional person under this section shall be a developmental disabilities professional.

The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 15. Section 37, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 67, Laws of 1986 and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department. If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(3), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which

was the subject of the criminal proceedings. Said treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340 as now or hereafter amended.

If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) of this section unless the superintendent or professional person in charge of the facility in which he is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm to others; or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm to others; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 16. Section 2, chapter 67, Laws of 1986 and RCW 71.05.325 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released from involuntary treatment because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least thirty days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is to be released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed temporary releases, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

NEW SECTION. Sec. 17. A new section is added to chapter 10.77 RCW to read as follows:

The provisions of this act shall apply equally to persons presently in the custody of the department who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or who have been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and present a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION. Sec. 18. A new section is added to chapter 71.05 RCW to read as follows:

The provisions of this act shall apply equally to persons presently in the custody of the department who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or who have been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and present a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION. Sec. 19. (1) The legislature finds that since the later 1970s, there has been an increase in the reinstitutionalization of the mentally ill in prisons, jails, and mentally ill offender programs within state hospitals in Washington. The mentally ill offender is frequently released from jail or prison without any supervision or case management in the community. The mentally ill offender is also released from the state hospital to the community where the mental health system is resource-deficient to accommodate the needs of the mentally ill, criminally stigmatized person. Many of these individuals become reinvolvement with the criminal justice system, the jails, courts, and corrections with additional convictions and/or state hospital commitments. Neither the treatment needs of this population nor public safety is being met by the existing systems.

There is public concern about the lack of adequate security in mentally ill offender programs at state hospitals. It is the intent of the legislature to promote public safety and provide a secure treatment facility to serve the forensic patients who are under the supervision of the department of corrections or the department of social and health services.

(2)(a) The department of corrections and the department of social and health services shall conduct a study for the development of a forensic hospital which would serve the needs of mentally ill offenders currently in state health institutions and prisons. In preparing the study, the departments shall consult with other states, counties, cities, jails, private and public agencies, and community groups for recommendations in housing and treating the mentally ill offender.

(b) The scope of the study shall be sufficiently broad to encompass the inpatient and community service needs of the mentally ill offenders, from their first contact with the criminal justice system to reintegration in the community.

(c) The departments shall report back to the senate law and justice committee and the house of representatives judiciary committee before March 1, 1990.

NEW SECTION. Sec. 20. Section 19 of this act shall expire March 1, 1990.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 10.77.010, 10.77.060, 10.77.090, 10.77.110, 10.77.120, 10.77.140, 10.77.163, 10.77.165, 10.77.200, 10.77.210, 71.05.020, 71.05.300, 71.05.320, and 71.05.325; adding new sections to chapter 10.77 RCW; adding new sections to chapter 71.05 RCW; creating a new section; providing an expiration date; and declaring an emergency."

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1051, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Bender, Senator Vognild was excused.

On motion of Senator Anderson, Senator Hayner was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1051, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1051, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, DeJarnatt, Hayner, Niemi, Vognild - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of House Bill No. 1032, deferred on third reading earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the question as to the percentage of votes required on House Bill No. 1032. The President finds that House Bill No. 1032 authorizes the issuance of two hundred and twenty-five million dollars worth of general obligation bonds. Therefore, it requires a sixty percent vote."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1032.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1032 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, DeJarnatt, Hayner, Niemi, Vognild - 5.

HOUSE BILL NO. 1032, having received the constitutional 60% majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1067, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Day and P. King) (by request of Insurance Commissioner)

Making technical changes in the state Health Insurance Coverage Access Act.

The bill was read the second time.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1067.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, DeJarmatt, Hayner, Niemi, Vognild - 5.

SUBSTITUTE HOUSE BILL NO. 1067, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by Committee on Human Services (originally sponsored by Representatives Kremen, Bristow, Patrick, Scott, Holland, Leonard, Braddock, Brekke, Zellinsky, Phillips, Spanel, Silver and Wineberry)

Requiring that certain information be provided to adopting parents.

The bill was read the second time.

## MOTIONS

On motion of Senator Smith, the following Committee on Children and Family Services amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 37, chapter 155, Laws of 1984 and RCW 26.33.350 are each amended to read as follows:

(1) Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all ((reasonably)) available information concerning the mental, physical, and sensory handicaps of the child. The report shall not reveal the identity of the natural parents of the child but shall include any ((reasonably)) available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child or that will assist the adoptive parents in maximizing the developmental potential of the child.

(2) Where available, the information provided shall include:

(a) A review of the birth family's and the child's previous medical history, if available, including x-rays, examinations, hospitalizations, and immunizations;

(b) A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;

(c) A referral to a specialist if indicated; and

(d) A written copy of the evaluation with recommendations to the adoptive family receiving the report.

NEW SECTION. Sec. 2. Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption, a family background and child and family social history report, which includes a chronological history of the circumstances surrounding the adoptive placement and any available psychiatric reports, psychological reports, court reports pertaining to dependency or custody, or school reports. Such reports or information shall not reveal the identity of the natural parents of the child.

NEW SECTION. Sec. 3. All families adopting a child through the department shall receive written information on the department's adoption-related services including, but not limited to, adoption support, family reconciliation services, archived records, mental health, and developmental disabilities.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 26.33 RCW.\*

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "amending RCW 26.33.350; and adding new sections to chapter 26.33 RCW."

## MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1183, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1183, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, DeJarnatt, Hayner, Niemi, Vognild - 5.

SUBSTITUTE HOUSE BILL NO. 1183, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1198, by Representatives Nelson, Hankins, Jesernig, R. Meyers, Brooks, Wineberry, Walker, Cole, Miller and Gallagher

Authorizing first class cities to enter into agreement to own and operate electrical utilities.

The bill was read the second time.

#### MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. A new section is added to chapter 35.92 RCW to read as follows:

(1) Cities of the first class which operate electric generating facilities and distribution systems shall have power and authority to participate and enter into agreements for the undivided ownership of high voltage transmission facilities and for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to, nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, to be called "common facilities"; and for the planning, financing, acquisition, construction, operation, and maintenance with: (a) Each other; (b) electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the regulatory commission of any other state, to be called "regulated utilities"; (c) rural electric cooperatives, including generation and transmission cooperatives in any state; (d) municipal corporations, utility districts, or other political subdivisions in any state; and (e) any agency of the United States authorized to generate or transmit electrical energy. It shall be provided in such agreements that each city shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction of the facility and shall own and control a like percentage of the electrical output.

(2) The agreement must provide that each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition, and construction of any common facility, or any additions or betterments. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of a common facility.

(3) Each city participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated under any applicable statutes and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, under agreement with such county or taxing district.

(4) In carrying out the powers granted in this section, each such city shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of others. No money or property supplied by any such city for the planning, financing, acquisition, construction, operation, or maintenance of any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No action in

connection with a common facility shall be binding upon any city unless authorized or approved by resolution or ordinance of its governing body.

(5) Any city acting jointly outside the state of Washington, by mutual agreement with any participant under authority of this section, shall not acquire properties owned or operated by any public utility district, by any regulated utility, or by any public utility owned by a municipality without the consent of the utility owning or operating the property, and shall not participate in any condemnation proceeding to acquire such properties."

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 2 of the title, after "utility;" strike the remainder of the title and insert "and adding a new section to chapter 35.92 RCW."

#### MOTION

On motion of Senator Benitz, the rules were suspended, House Bill No. 1198, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1198, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1198, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, DeJarnatt, Hayner, Niemi, Vognild - 5.

HOUSE BILL NO. 1198, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Smith, Senator McCaslin was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1252, by Committee on Health Care (originally sponsored by Representatives Prentice, Morris, Wood, Patrick, Braddock, D. Sommers, G. Fisher, Day, Leonard, Ebersole and Wineberry) (by request of Department of Licensing)

Changing provisions relating to registered nurses.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1252 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1252.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1252 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Vognild - 6.

SUBSTITUTE HOUSE BILL NO. 1252, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

#### MOTION

On motion of Senator Newhouse, House Bill No. 1465 was moved to the bottom of the second reading calendar.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1558, by Committee on Health Care (originally sponsored by Representatives Inslee, P. King, Van Luven, Appelwick, Beck, Wineberry, Wood, Rector, Smith, Brekke, Baugher, Winsley, Leonard, Todd, Ballard, Nutley, Rayburn, Jacobsen, Hankins, Braddock, Grant, Locke, Brumsickle, Jesernig, Wang, Betzoff, Wolfe, Brough, Horn, Basich, Bowman and Ferguson)

Regulating use of steroids.

The bill was read the second time.

#### MOTIONS

Senator West moved that the following Committee on Health Care and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 69.41 RCW to read as follows:

For the purposes of this act, "steroids" shall include the following:

(1) "Anabolic steroids" means synthetic derivatives of testosterone or any isomer, ester, salt, or derivative that act in the same manner on the human body;

(2) "Androgens" means testosterone in one of its forms or a derivative, isomer, ester, or salt, that act in the same manner on the human body; and

(3) "Human growth hormones" means growth hormones, or a derivative, isomer, ester, or salt that act in the same manner on the human body.

NEW SECTION, Sec. 2. A new section is added to chapter 69.41 RCW to read as follows:

The state board of pharmacy shall specify by rule drugs to be classified as steroids as defined in section 1 of this act.

On or before December 1 of each year, the board shall inform the appropriate legislative committees of reference of the drugs that the board has added to the steroids in section 1 of this act. The board shall submit a statement of rationale for the changes.

NEW SECTION, Sec. 3. A new section is added to chapter 69.41 RCW to read as follows:

(1) A practitioner shall not prescribe, administer, or dispense steroids, as defined in section 1 of this act, or any form of autotransfusion for the purpose of manipulating hormones to increase muscle mass, strength, or weight, or for the purpose of enhancing athletic ability, without a medical necessity to do so.

(2) A practitioner shall complete and maintain patient medical records which accurately reflect the prescribing, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

Sec. 4. Section 7, chapter 186, Laws of 1973 1st ex. sess. as amended by section 4, chapter 4, Laws of 1983 1st ex. sess. and RCW 69.41.070 are each amended to read as follows:

Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of RCW 69.41.020, the offender shall be guilty of a felony.

(2) For a violation of RCW 69.41.030 involving the sale, delivery, or possession with intent to sell or deliver, the offender shall be guilty of a felony.

(3) For a violation of RCW 69.41.030 involving possession, the offender shall be guilty of a misdemeanor.

(4) For a violation of RCW 69.41.040, the offender shall be guilty of a felony.

(5) For a violation of RCW 69.41.050, the offender shall be guilty of a misdemeanor.

(6) Any offense which is a violation of chapter 69.50 RCW other than RCW 69.50.401(c) shall not be charged under this chapter.

(7) For a violation of section 3(1) of this act, the offender shall be guilty of a gross misdemeanor and subject to disciplinary action under RCW 18.130.180.

(8)(a) A person who violates the provisions of this chapter by possessing under two hundred tablets or eight 2cc bottles of steroid without a valid prescription is guilty of a gross misdemeanor.

(b) A person who violates the provisions of this chapter by possessing over two hundred tablets or eight 2cc bottles of steroid without a valid prescription is guilty of a class C felony and shall be punished according to RCW 9A.20.010(1)(c).

NEW SECTION, Sec. 5. A new section is added to chapter 69.41 RCW to read as follows:



The superintendent of public instruction shall develop and distribute to all school districts signs of appropriate design and dimensions advising students of the health risks that steroids present when used solely to enhance athletic ability, and of the penalties for their unlawful possession provided by this act.

School districts shall post or cause the signs to be posted in a prominent place for ease of viewing on the premises of school athletic departments."

On motion of Senator Talmadge, the following amendment to the Committee on Health Care and Corrections amendment was adopted:

On page 4, after line 29, insert the following:

NEW SECTION, Sec. 6. A new section is added to chapter 69.41 RCW to read as follows:

Any student athlete found to have used or in possession of steroids in violation of this chapter shall be prohibited from participating in any school-sponsored athletic event for a period to be determined by the appropriate school authorities, but not less than one year."

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health Care and Corrections striking amendment, as amended, to Substitute House Bill No. 1558.

The motion by Senator West carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 69.41.070; adding new sections to chapter 69.41 RCW; and prescribing penalties."

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1558, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1558, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1558, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kredler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi - 5.

SUBSTITUTE HOUSE BILL NO. 1558, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1573, by Representatives Ebersole, Wang, Betrozoff, May, Appelwick, Heavey, Valle, Walker, Locke, Holland, Cole, Pruitt, Ferguson, Horn, Dorn, Winsley and Jacobsen

Regarding identification of levy reduction funds.

The bill was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed House Bill No. 1573 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1573.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1573 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Sellar - 1.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi - 5.

ENGROSSED HOUSE BILL NO. 1573, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Smith, Senator Sellar was excused.

## SECOND READING

HOUSE BILL NO. 1718, by Representatives Hine, Silver, Baugher and D. Sommers (by request of Department of Retirement Systems)

Changing provisions relating to disability retirement for Washington state patrol.

The bill was read the second time.

## MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 1718 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1718.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1718 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Sellar - 6.

HOUSE BILL NO. 1718, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1772, by Representatives Spanel, S. Wilson, Haugen, R. King (by request of Department of Fisheries)

Renaming and defining certain species of fish.

The bill was read the second time.

## MOTION

Senator Murray moved that the following amendments by Senators Murray and Metcalf be considered simultaneously and be adopted:

On page 3, after line 10, insert the following:

"(19) "Food fish product" means any article of food offered, sold, or intended for human consumption, that is wholly or in part comprised of the meat or other bodily parts of a fish."

On page 4, after line 20, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 75.12 RCW to read as follows:

If a food fish product is comprised of a species of fish for which a definition and standard of identity has been established in "the list of common and scientific names of fishes from the United States and Canada, 1980 edition," by the American fisheries society, it shall be unlawful

for a person to label, sell, or offer to sell that food fish product under another name, or make any representation that is likely to cause a prospective purchaser to be misled as to the correct species."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Murray and Metcalf on page 3, after line 10, and page 4, after line 20, to House Bill No. 1772.

The motion by Senator Murray carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike "and" and on line 2, after "77.08-.020" insert "; and adding a new section to chapter 75.12 RCW"

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1772, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1772, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1772, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Sellar - 6.

HOUSE BILL NO. 1772, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1885, by Representatives Hine, Silver, H. Sommers and Sayan

Making adjustments to the judicial retirement system.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1885 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1885.

#### ROLL CALL

Senate Pages, Tara Skjeie and Jenny Tucker called the roll on the final passage of House Bill No. 1885 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Sellar - 6.

HOUSE BILL NO. 1885, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SENATE PAGES

Senator Thorsness introduced Senate Pages, Tara Skjeie and Jenny Tucker, from Olympic High School in Bremerton, who called the roll by memory, on the final passage of House Bill No. 1885.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1889, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Sayan, Locke and Brekke)

Providing immunity for certain public employees.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 11, after "arising" strike "from good faith acts or omissions" and insert "~~((acts or omissions))~~ from acts or omissions in good faith and"

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 21, after "suit." strike everything through "action." on line 24

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 2, beginning on line 8, strike "No executions shall issue against the state on any judgment."

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 2, line 25, after "liability" strike "occurred while the employee was acting within the scope of his or her public employment or duties" and insert "was in good faith and occurred while the employee was acting within the scope of his or her employment or duties and the employee is being represented in accordance with RCW 4.92.070"

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1889, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1889, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1889, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Anderson - 1.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Sellar - 6.

SUBSTITUTE HOUSE BILL NO. 1889, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1980, by Representatives Peery, Padden, Hargrove, H. Myers, Cantwell, Brough, Winsley, Belcher, G. Fisher, Heavey, Holland, Phillips, Dellwo, Valle, P. King, Pruitt, Leonard, Spanel, Cooper and Morris

Providing for job sharing in school and educational service districts.

The bill was read the second time.

## MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, line 11, after "certificated" strike "as well as classified"

On motion of Senator Bailey, the rules were suspended, House Bill No. 1980, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, how does this or how would this provision affect the pensions?"

Senator Bailey: "I'm not sure I can give you a positive answer on that, but I assume if people shared a job and their pensions would be accordance to the dollars that they earned, and--"

Senator Rasmussen: "Well, not necessarily. They have to get a certain number of hours in a month in order to qualify for it and I wonder if you would check that?"

Senator Bailey: "I will check that for you and get back to you."

Senator Rasmussen: "You know, each employee must get a certain number of hours. We did pass a bill here just recently which allowed employees to combine hours on separate jobs. That is, they could be a custodian and a bus driver and combine the hours for pension purposes, but I'm not so sure that this will take into consideration on this job sharing--how that will affect the pensions. Maybe Senator Warnke would know. This doesn't relate to the previous bill we passed, but it's on a job sharing requirement which is probably a good provision, but I don't know how it will affect their pensions."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1980, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1980, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Sellar - 6.

HOUSE BILL NO. 1980, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2045, by Representatives Prince, Baugher, Smith and Walk

Revising mileage-based special fuel tax computation.

The bill was read the second time.

## MOTION

On motion of Senator Barr, the rules were suspended, House Bill No. 2045 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2045.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2045 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen,

Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, DeJarnatt, Hayner, McCaslin, Niemi, Sellar - 6.

HOUSE BILL NO. 2045, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

April 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard J. Thompson, appointed April 6, 1989, for a term beginning immediately and ending at the Governor's pleasure, as Secretary of the Department of Social and Health Services.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

**EDITOR'S NOTE:** The Senate did not receive any notification of the withdrawal of the Gubernatorial Appointment of Jule M. Sugarman as Secretary of the Department of Social and Health Services.

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

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5040,

SENATE BILL NO. 5054,

SENATE BILL NO. 5137,

SENATE BILL NO. 5150,

SENATE BILL NO. 5156,

SUBSTITUTE SENATE BILL NO. 5168,

SENATE BILL NO. 5353,

SUBSTITUTE SENATE BILL NO. 5488,

SENATE BILL NO. 5502,

SUBSTITUTE SENATE BILL NO. 5531,

SENATE BILL NO. 5590,

SUBSTITUTE SENATE BILL NO. 5641,

SECOND SUBSTITUTE SENATE BILL NO. 5660,

SENATE BILL NO. 5731,

SENATE BILL NO. 5824,

SUBSTITUTE SENATE BILL NO. 5891, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5040,

SENATE BILL NO. 5054,

SENATE BILL NO. 5137,

SENATE BILL NO. 5150,

SENATE BILL NO. 5156,

SUBSTITUTE SENATE BILL NO. 5168,

SENATE BILL NO. 5353,

SUBSTITUTE SENATE BILL NO. 5488,  
SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5531,  
SENATE BILL NO. 5590,  
SUBSTITUTE SENATE BILL NO. 5641,  
SECOND SUBSTITUTE SENATE BILL NO. 5660,  
SENATE BILL NO. 5731,  
SENATE BILL NO. 5824,  
SUBSTITUTE SENATE BILL NO. 5891.

## MOTION

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

## MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Gubernatorial Appointment No. 9129, George Northcroft, as Director of the Department of Retirement Systems.

On motion of Senator Newhouse, Gubernatorial Appointment No. 9129, George Northcroft, as Director of the Department of Retirement Systems, was referred to the Committee on Financial Institutions and Insurance.

## MOTION

At 3:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Monday, April 10, 1989.

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

## NINETY—SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 10, 1989

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, DeJarnatt, Fleming, Hansen and Madsen. On motion of Senator Vognild, Senators DeJarnatt, Fleming, Hansen and Madsen were excused. On motion of Senator Anderson, Senator Bluechel was excused.

The Sergeant at Arms Color Guard, consisting of Pages Trina Kendall and Erin Decker, presented the Colors. Alton M. Alexander, President of the Olympia, Washington Stake of the Church of Jesus Christ Latter-Day Saints, offered the prayer.

### MOTION

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

### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 1802, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

### INTRODUCTION AND FIRST READING

SB 6131 by Senator McDonald

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 6137 by Senators Patterson and Nelson

AN ACT Relating to transportation taxes.

Referred to Committee on Transportation.

SB 6138 by Senators Patterson and Nelson

AN ACT Relating to funding of state and local transportation programs.

Referred to Committee on Transportation.

SB 6139 by Senators Patterson and Nelson

AN ACT Relating to transportation appropriation.

Referred to Committee on Transportation.

SB 6140 by Senator Talmadge

AN ACT Relating to programs for highly capable students; and amending RCW 28A.16.060.

Referred to Committee on Ways and Means.

### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1802 by Representatives P. King and Scott

Creating a new court of appeals position for Snohomish county.

HELD.



SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9117, Robert Yamashita, as a member of the Board of Trustees for Tacoma Community College, District No. 22, was confirmed.

APPOINTMENT OF ROBERT YAMASHITA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, DeJarnatt, Fleming, Hansen, Madsen - 5.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, by Committee on Trade and Economic Development (originally sponsored by Representatives Cantwell, Moyer, Rasmussen and Walk)

Establishing targeted sectors for economic development.

The bill was read the second time.

MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that the future health of certain sectors of Washington state's economy is at risk in the face of increasing global competition. The service and aerospace industries have responded well to this increasing global competition. However, certain traditional industries, such as forest products and agriculture which are primarily located in rural areas, have experienced some decline. However, significant public and private resources are being directed toward restoring the vitality of these industries. In the area of forest products the level of industry investment since 1985 is estimated at six billion dollars nationally resulting in increased productivity in excess of forty percent within Washington state since 1982.

(2) The legislature finds that, in addition to these industries, there are a number of emerging sectors in the state economy which offer real promise. These include biotechnology, manufactured forest products, and food processing. In the next decade, these emerging sectors can be among the state's strongest, most stable sectors able to successfully compete in the global market and assist economic development in Washington's rural and urban communities. It is the purpose of sections 1 through 7 of this act to help these emerging sectors by encouraging a broader base and support for their development. It is also the purpose of sections 1 through 7 of this act to ensure that more specific direction is given to the department in developing its programs and that the impact of resources the department directs toward targeted sectors is better measured.

(3) The legislature also finds that the state must work in partnership with the private sector to enhance economic development, whether restoring the vitality of declining industries or developing new industries with good economic potential. In order for the public and private efforts to be most successful, the state, particularly the department, must clearly articulate: (a) its goals and objectives; (b) its appraisal of the sector that led to the goals and objectives; (c) its choice of strategy for achieving the goals and objectives; (d) its implementation plans and timetables; and (e) its evaluation criteria and process. The department must work with the private sector, research institutions, other state agencies, and the legislature in the analysis, the setting of goals, the choice of strategy, and the evaluation process so that all parties have input into and understand how the problem is being defined and how the problem is being solved.

NEW SECTION, Sec. 2. (1) The department shall establish targeted sector programs in the areas of biotechnology, manufactured forest products, and food processing. The purpose of these programs shall be to analyze the current state of the targeted sector, develop an action plan, and implement a program for each targeted sector to increase the sales of products from these sectors nationally and internationally.

(2) A targeted sector program within the department shall:

(a) Administer the targeted sector programs established in subsection (1) of this section;

(b) Contract with the international marketing program for agricultural commodities and trade at Washington State University to analyze the current state of the food processing industry and develop an industry action plan;

(c) Contract with the center for international trade in forest products at the University of Washington to analyze the current state of the wood products manufacturing industry and develop an industry action plan;

(d) Contract with the northwest policy center at the University of Washington to analyze the current state of the biotechnology industry and develop an industry action plan.

(3) The department in conjunction with the centers shall also develop an evaluation process to measure the effectiveness of the targeted sector programs. The targeted sector programs are intended to significantly increase the jobs and capital investment in these sectors through a well-conceived and implemented action plan.

NEW SECTION. Sec. 3. (1) The centers shall appraise their respective targeted sectors to determine the current state of the sector. In making this appraisal, the centers shall consider, but shall not be limited to, the following: (a) The strengths and weaknesses of the sector; (b) the opportunities and risks in the sector; (c) any emerging products, processes and market niches in the sector; (d) the commercialization of technology related to the sector; (e) the availability of capital in the sector; (f) the education and training needs in the sector; (g) the infrastructure development in the sector; (h) the number of employees and businesses in the sector; and (i) the role the state should play in the long-term development of the sector.

(2) The centers shall base their action plan for each targeted sector on the appraisal of the sector under subsection (1) of this section. Where needs are identified in the appraisal of the sector or a component of the industry action plan, but are beyond the scope of the department's program or ability to accomplish without additional resources, the department shall provide clear recommendations to the legislature regarding an action plan the state should implement to address these identified needs.

NEW SECTION. Sec. 4. (1) In the forest products manufacturing targeted sector program the evergreen partnership shall act as the advisory committee to the department.

(2) In the food products processing targeted sector program the department of agriculture food products processing advisory committee shall act as the advisory committee to the department of trade and economic development.

(3) In the biotechnology targeted sector program the Washington state biotechnology association shall act as the advisory committee to the department.

NEW SECTION. Sec. 5. The advisory committees shall:

(1) Provide policy direction regarding:

(a) The appraisal process;

(b) Program development;

(c) Program implementation; and

(d) Evaluate criteria and process for the targeted sector program; and

(2) Review the role of other state agencies and the private sector in advising the department.

NEW SECTION. Sec. 6. By January 10th of each year the department in conjunction with the centers as provided under section 2 of this act shall report in writing on its targeted sector programs to the trade and economic development committee in the house of representatives and the economic development and labor committee in the senate. The department shall report on each element of the targeted sector program, including: (1) Appraisal of the sector; (2) alternatives for assisting in the growth and development of the sector; (3) the choice of the strategy and the rationale behind that choice; (4) the implementation of the strategy; and (5) the evaluation of the targeted sector program. The department in conjunction with the centers as provided under section 2 of this act shall also make current information available on a regular basis to the legislature and the private sector regarding its targeted sector programs.

NEW SECTION. Sec. 7. The department shall work with the centers, industry trade groups, local governments and local economic development organizations in implementing the target sector programs. The department shall seek and utilize nonstate funds to help carry out these programs.

NEW SECTION. Sec. 8. The business assistance center of the department of trade and economic development, in consultation with the Washington state institute for public policy and the northwest policy center shall review the establishment of an industrial extension grant program in conjunction with the targeted sector program projects.

NEW SECTION. Sec. 9. The department, in reviewing the establishment of the industrial extension program, shall identify:

(1) The manner in which the program should be structured and funded;

(2) The scope of services that should be provided; and

(3) The availability of possible grant recipients that could provide services under the program; such grant recipients should have the following characteristics:

(a) Demonstrate the participation of local education institutions, trade or industry associations, and local economic development groups;

(b) Provide the services of industrial engineers, efficiency experts, and other technicians familiar with the modernization needs of local industries;

(c) Offer firm-specific assistance for a limited period of time, after which firms may negotiate assistance on a fee basis;

(d) Work primarily with small firms which could not otherwise afford the expertise;

(e) Develop mechanisms to provide information on new manufacturing technologies to existing small and medium-sized firms; and

(f) Provide whatever information the business assistance center deems necessary to evaluate the potential effectiveness of the program.

NEW SECTION. Sec. 10. The business assistance center shall examine mechanisms for the establishment of flexible manufacturing networks or consortia through which small firms cooperatively access modernization, marketing, training and other services.

NEW SECTION. Sec. 11. The business assistance center shall report by January 1, 1989, to the senate economic development and labor committee and house of representatives trade and economic development committee on its findings and recommendations on the establishment of an industrial extension program and flexible manufacturing networks or consortia program.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

The targeted sector programs shall be terminated on June 30, 1994, as provided in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

(1) Section 1 of this act and RCW 43.31.\_\_\_\_;

(2) Section 2 of this act and RCW 43.31.\_\_\_\_;

(3) Section 3 of this act and RCW 43.31.\_\_\_\_;

(4) Section 4 of this act and RCW 43.31.\_\_\_\_;

(5) Section 5 of this act and RCW 43.31.\_\_\_\_;

(6) Section 6 of this act and RCW 43.31.\_\_\_\_; and

(7) Section 7 of this act and RCW 43.31.\_\_\_\_."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor striking amendment to Engrossed Substitute House Bill No. 2137.

The motion by Senator Lee carried and the committee amendment was adopted.

#### MOTION

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "development," strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; and adding new sections to chapter 43.131 RCW."

#### MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Substitute House Bill No. 2137, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Smitherman: "Senator Lee, in adopting the striking amendment which I think was a good move, I just became curious. The underlying bill calls for an appropriation of about, I guess it was two hundred and seventy-two thousand dollars for a biennium. Is the cost of the program now incorporated in the budget or is it somehow referenced in the striking amendment?"

Senator Lee: "The striking amendment is silent as to the particular cost because we made changes, but if there is any additional cost, it would be considerably less than the original bill which would have created whole new groups. We have appropriations in the budget for CINTRAFOR, an impact which would have this kind of responsibility in any case. I do not have a fiscal note from them to know whether or not the existing budget for those two agencies--whether they feel it's adequate for these studies or not. Conversations have indicated that this is something they feel they probably can do, whether they can do it before the deadline

will be another question. If they cannot, I'm sure that would be part of their report when they come back to us in 1990.

"As far as the Northwest Policy Center at the University of Washington, they're a group that is primarily supported by the University of Washington through their budget and the Northwest Policy Foundation which is private funding. I'm convinced that the striking amendment is a far more economical way of getting this particular project done, but I cannot assure you unequivocally that it will not mean additional funding if it's to be done completely and well."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Fleming, Hansen, Madsen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5098,

SUBSTITUTE SENATE BILL NO. 5126,

SUBSTITUTE SENATE BILL NO. 5127,

SUBSTITUTE SENATE BILL NO. 5933.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2168, by Representatives Nelson, Hankins, Jesernig, Raiter, Miller, May, Rust, Inslee, Valle and Spanel

Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components.

The bill was read the second time.

#### MOTIONS

On motion of Senator Benitz, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 488, Laws of 1987 and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or (~~this~~) the director's designee.
- (3) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.
- (4) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

(16) "Local government" means a city, town, or county.

(17) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(18) "Service charge" means an assessment imposed under section 2 of this 1989 act against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

NEW SECTION, Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

(1) The department may assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component or which are undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility. Service charges may not exceed the costs to the department in carrying out the duties of this section.

(2) Program elements or activities for which service charges may be assessed include:

(a) Office, staff, and staff support for the purposes of facility or unit permit development, review, and issuance; and

(b) Actions taken to determine and ensure compliance with the state's hazardous waste management act.

(3) Moneys collected through the imposition of such service charges shall be deposited in the state toxics control account.

(4) The department shall adopt rules necessary to implement this section. Facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component shall not be subject to service charges prior to such rule making. Facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining

wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal shall not be subject to service charges prior to such rule making.

**NEW SECTION, Sec. 3.** The sum of two million six hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the state toxics control account to the department of ecology to carry out the purposes of this act.

**NEW SECTION, Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION, Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 3 of the title, after "components;" strike the remainder of the title and insert "amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; making an appropriation; and declaring an emergency."

#### MOTION

On motion of Senator Benitz, the rules were suspended, Engrossed House Bill No. 2168, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

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

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2168, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2168, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Hansen, McDonald, Smith - 5.

ENGROSSED HOUSE BILL NO. 2168, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1027, by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel (by request of Department of Fisheries)

Clarifying the authority of the director of fisheries.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1027.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1027 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, McDonald - 4.

HOUSE BILL NO. 1027, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1085, by Representatives Ferguson, Dellwo, Day, Heavey, May, Haugen, D. Sommers, Brough, Winsley, Nelson, Beck, R. Meyers, Moyer, Van Luven, Doty, Betzoff, Sayan, Chandler, Miller, Silver, Rector, Holland, Walker, Rasmussen, Valle and Anderson

Providing insurance coverage for neurodevelopmental therapy.

The bill was read the second time.

#### MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 1, line 27, after "shall be" strike "fore" and insert "for"

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1085, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1085, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1085, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, McDonald - 4.

HOUSE BILL NO. 1085, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8663

by Senators Madsen, Rasmussen and Gaspard

WHEREAS, Orting, Washington, will celebrate its centennial birthday on April 22-23; and

WHEREAS, Orting was incorporated six months before Washington entered statehood; and

WHEREAS, Orting is home to approximately nineteen hundred people; and

WHEREAS, The citizens of Orting formed a strong centennial committee fourteen months ago and polled the town for a centennial project which resulted in the construction of a forty thousand dollar bell tower to house the first town fire bell; and

WHEREAS, Orting will ring in its one hundred-first year on the new bell tower; and

WHEREAS, The bell tower will have six hundred bricks that are each inscribed with a centennial supporter's name such as Senator Ken Madsen and Governor Booth and Mrs. Jean Gardner; and

WHEREAS, A centennial parade will be held on April 22, 1989, at 9:30 a.m., and a program honoring Orting's descendants and the ringing of the bell will be held at 11:00 a.m.; and

WHEREAS, The Orting Post Office will offer a special Orting centennial postal cancellation only on April 22, 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Orting's proud heritage; its descendants; the former Mayors; the current Mayor, Wayne Harmon; the city council members; the centennial committee members and co-chairs, Sam Colorossi and Madeline Jones; and all the residents of the town; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the town of Orting, the centennial committee, and Mayor Wayne Harmon.

Senator Wojahn spoke to Senate Resolution 1989-8663.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. John Engfer, a ninety-five year old volunteer Orting fireman, and other members of the Orting Centennial Committee, who were seated in the gallery.

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

#### SECOND READING

HOUSE BILL NO. 1096, by Representatives Appelwick and May

Recording of federal liens.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1096 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1096.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1096 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Hansen - 3.

HOUSE BILL NO. 1096, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:25 a.m., on motion of Senator Newhouse, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:31 a.m. by President Pritchard.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1115, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Zellinsky, Schmidt, Braugher, Pruitt, Sayan, Haugen, Scott, Vekich, Padden, Cooper and R. Meyers)

Authorizing purchase of legend drugs by animal control agencies.

The bill was read the second time.

#### MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:



**NEW SECTION, Sec. 1.** A new section is added to chapter 69.41 RCW to read as follows:

Humane societies and animal control agencies registered with the state board of pharmacy under chapter 69.50 RCW and authorized to euthanize animals may purchase, possess, and administer approved legend drugs for the sole purpose of sedating animals prior to euthanasia, when necessary, and for use in chemical capture programs. For the purposes of this section, "approved legend drugs" means those legend drugs designated by the board by rule as being approved for use by such societies and agencies for animal sedating or capture and does not include any substance regulated under chapter 69.50 RCW. Any society or agency so registered shall not permit persons to administer any legend drugs unless such person has demonstrated to the satisfaction of the board adequate knowledge of the potential hazards involved in and the proper techniques to be used in administering the drugs.

The board shall promulgate rules to regulate the purchase, possession, and administration of legend drugs by such societies and agencies and to insure strict compliance with the provisions of this section. Such rules shall require that the storage, inventory control, administration, and recordkeeping for approved legend drugs conform to the standards adopted by the board under chapter 69.50 RCW to regulate the use of controlled substances by such societies and agencies. The board may suspend or revoke a registration under chapter 69.50 RCW upon a determination by the board that the person administering legend drugs has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke a registration as provided by law."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "and adding a new section to chapter 69.41 RCW."

#### MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1115, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1115, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1115, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Yoting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1115, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1220, by Representatives Nealey, Haugen, Ferguson and Miller

Revising provisions for contract projects by water and sewer districts.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, it doesn't show in the summary here, but you're increasing them twenty-five thousand to fifty thousand on these telephone bids. Are they open for inspection?"

Senator McCaslin: "You mean the small-works roster?"

Senator Rasmussen: "Yes."

Senator McCaslin: "It's public knowledge."

Senator Rasmussen: "Do they have to keep a list of these? They solicit bids and they have to keep a record of them and do they have to go to the lowest bidder--lowest qualified bidder?"

Senator McCaslin: "The only thing we have changed in the statute, Senator, and I can get you that answer specifically, but the only thing we've changed in statute was the amount from twenty-five to fifty thousand. The rest of the statute remains the same."

Senator Rasmussen: "I have been receiving, Senator McCaslin, complaints from contractors that they are not contacted to put their bid in and that they have no way of finding out prior to the letting of the contract. Now, we're going from twenty-five thousand to fifty thousand. That's a pretty sizeable contract."

Senator McCaslin: "Well, if you will have them bring their specific complaints to me, then I'll address those complaints. As I say, Senator, nothing has changed in the statute except the dollar amount."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1220.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1220 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kredler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Fleming, Hansen - 3.

ENGROSSED HOUSE BILL NO. 1220, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Wojahn was excused.

#### SECOND READING

HOUSE BILL NO. 1239, by Representatives P. King, Schmidt and Scott

Exempting qualified pension plans from the state usury statute.

The bill was read the second time.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1239 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1239.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1239 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kredler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Wojahn - 4.

HOUSE BILL NO. 1239, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Newhouse, Substitute House Bill No. 1280 was moved to the bottom of the second reading calendar.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301, by Committee on Environmental Affairs (originally sponsored by Representatives D. Sommers, Rust, Walker, Sprenkle, Valle, Schoon, Pruitt, Phillips, Nealey, G. Fisher, Brekke, Fraser, Moyer, Rector and Silver)

Providing for radon studies.

The bill was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendments were considered simultaneously and were adopted:

On page 3, beginning on line 28, strike all of Section 3 and renumber the remaining sections consecutively

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

**\*NEW SECTION.** Sec. 4. A new section is added to chapter 70.98 RCW to read as follows:

The sum of forty eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state radiation control agency for the purposes of this act."

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, before "adding" strike "and" and on line 3 of the title, after "RCW" insert "; and making an appropriation"

## MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1301, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Anderson, Senator Johnson was excused.

## POINT OF INQUIRY

Senator Pullen: "Senator Metcalf, it would seem to me, that if Radon is as dangerous as you indicate and I know for a fact that it is, it seems to me that it would be very highly dangerous to insulate structures such as homes or buildings so tightly that the Radon, in seeping into the building, could be a health hazard."

Senator Metcalf: "Thank you, Senator Pullen. We don't know exactly how dangerous it is, but in the old days--the house where I was brought up was not well insulated--there was a draft blowing through almost all the time and you didn't have this problem. It is only now when we have the super insulated homes and the lack of exchange of air, that this is a problem. We don't know the extent of the problem, but we'd better find out."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1301, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1301, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Hansen, Johnson - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1370, by Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Ferguson, Sayan, Hine, Miller and G. Fisher)

Changing provisions relating to taxing district boundaries.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 84.09.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 82, Laws of 1987 and by section 1, chapter 358, Laws of 1987 and RCW 84.09.030 are each reenacted and amended to read as follows:

~~((For the purposes of property taxation and the levy of property taxes)) Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made ((and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year)).~~

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district ~~((s newly formed by election, with boundaries coterminous with other taxing district boundaries established prior to the first day of March, shall be the established official boundaries existing))~~ shall be established on the first day of October ~~((following formation. However, the))~~ if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of ~~((a))~~ any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made ~~((whenever))~~ if the taxing district ~~((has incorporated that year and))~~ has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year ~~((or)).~~

The boundaries of a taxing district ~~((have been altered that year by removing or adding territory))~~ shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district ~~((to the taxing district))~~ as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "reenacting and amending RCW 84.09.030; and declaring an emergency."

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1370, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1370, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1370, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Madsen - 1.

Excused: Senators DeJarnatt, Fleming, Hansen, Johnson - 4.

SUBSTITUTE HOUSE BILL NO. 1370, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

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

On motion of Senator Newhouse, Engrossed House Bill No. 1802, which was held on the desk on the Introduction and First Reading calendar earlier today, was referred to the Committee on Rules.

## MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:34 p.m. by President Pritchard.

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

## MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4412, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4412 by Representative Ebersole

Setting the date for a joint session.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4412 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third, and the concurrent resolution was adopted.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1388, by Committee on State Government (originally sponsored by Representatives Cooper, D. Sommers, R. Fisher, Prince, Walk, Schmidt, Patrick, Heavey, Crane, R. Meyers, Day and Moyer)

Limiting the application of the good samaritan statute.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 58, Laws of 1975 as last amended by section 501, chapter 212, Laws of 1987 and RCW 4.24.310 are each amended to read as follows:

For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Compensation" has its ordinary meaning but does not include: Nominal payments, reimbursement for expenses, or pension benefits(~~(- nor does it include)~~); payments made to volunteer part-time and volunteer on-call personnel of fire departments, fire districts, ambulance districts, police departments, or any emergency response organizations; or any payment to a person employed as a transit operator who is paid for his or her regular work, which work does not routinely include providing emergency care or emergency transportation.

(2) "Emergency care" means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle.

(3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action."

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1 of the title, after "transport;" strike the remainder of the title and insert "and amending RCW 4.24.310."

## MOTION

On motion of Senator Pullen, the rules were suspended. Substitute House Bill No. 1388, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1388, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1388, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Amondson, Hayner - 2.

Excused: Senators DeJarnatt, Hansen - 2.

SUBSTITUTE HOUSE BILL NO. 1388, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5085 with the following amendment:

On page 2, line 28 after "services is" strike "solely" and insert "~~solely~~".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendment to Substitute Senate Bill No. 5085 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 3, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5184 with the following amendments:

On page 1, line 19 after "transportation of" strike the remainder of subsection 5 and insert "a person or group of persons, who, under a single contract, acquires the use of a limousine to travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the person or group of persons after having left the place of origin."

On page 3, following line 14 insert a new section to read as follows:

"NEW SECTION. Sec. 9. The commission, in cooperation with the Washington state patrol, shall develop rules for suncreening materials on limousines that meet the standards established in Chapter —, Laws of 1989 (EHB 1664)."

Renumber the remaining sections consecutively.

On page 7, line 5 after "through" strike "16" and insert "17".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendments to Substitute Senate Bill No. 5184 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5221 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The treasurer shall study the feasibility of instituting an advance college payment program and submit a report, including recommendations, to the legislature by January 1, 1990. This study shall include, but not be limited to:

(1) An examination of potential income tax and unrelated business income tax consequences of establishing a program. The treasurer shall solicit appropriate rulings from the internal revenue service regarding the tax consequences of any advance college payment program options recommended for the legislature's consideration;

(2) Consideration of the impact of federal and state securities, insurance, and annuity laws on the sale of prepaid tuition contracts;

(3) An examination of state constitutional issues raised by the establishment of a prepaid tuition program, including limitations on state debt and prohibitions on gifts and loans of the state's credit;

(4) A review of state and federal financial aid policies and a determination of how such a program would impact present financial aid programs and how the plan matches the state's present and projected needs;

(5) An examination of the effect such a program would have on tuition, enrollment, residency, and admission policies;

(6) An actuarial analysis examining program risks and potential yields, computed over at least an eighteen-year horizon. This should include consideration of investment policy and participation rates necessary for maintaining an actuarially sound program;

(7) An examination of alternative approaches to saving for college, including bonds, investment, and insurance programs, along with the ability of private sector financial institutions and others to provide such a program. This shall include an examination of whether or not private investment opportunities will do as well or better for purchasers as state programs and consideration of state restrictions on commercial activities;

(8) Consideration of who should bear the risk and pay the difference if tuition costs increase faster than interest earnings or interest earnings are lower than expected and cannot cover tuition. This shall include an examination of how purchasers can be protected from investment shortfalls and the means by which the state can reduce its liability and risk in case the program proves to be actuarially unsound;

(9) A determination of how much it would cost to start up and maintain an adequate program, including but not limited to staff, equipment, travel, and advertising needs;

(10) Consideration of whether the plans should cover more than undergraduate tuition costs, such as room and board, mandatory fees, graduate tuition, books, materials, and fees. This shall include consideration of potential state tax incentives and whether the program should be limited to full-time or include part-time attendance;

(11) An examination of ways to involve independent institutions in the program;

(12) An examination of the portability of benefits across state lines, including the effect on reciprocity and other agreements; and

(13) An examination of policy issues such as those raised by the education commission of the states and the college board."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Saling, the Senate did not concur in the House amendments to Substitute Senate Bill No. 5221 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5506 with the following amendments:

On page 1, line 6 beginning with "there" strike all material through "projects:" on line 9 and insert "the following public works projects are approved for loans for the biennium ending June 30, 1989, and are eligible for appropriation by the legislature."

On page 5, line 25 beginning with "Total" strike all material through "35,910,257" on page 6, line 6

Re-number remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title following "board;" strike remainder of title and insert "creating a new section; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator McDonald, the Senate did not concur in the House amendments to Substitute Senate Bill No. 5506 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5314 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.70 RCW to read as follows:

Any certificate to teach authorized under the provisions of this chapter or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district superintendent or educational service district superintendent for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state. Any such certificate to teach shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this section shall apply to such convictions and guilty pleas which occur after the effective date of this act. Revocation of a teaching certificate for a guilty plea or criminal conviction occurring prior to the effective date of this act shall be subject to the provisions of RCW 28A.70.160.



Sec. 2. Section 28A.70.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.180 are each amended to read as follows:

In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation. However, if the certificate was revoked because of a guilty plea or the conviction of a felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction, the certificate shall not be reinstated.

**NEW SECTION.** Sec. 3. A new section is added to Title 28A RCW to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction.

(2) The employee shall have a right of appeal under chapter 28A.88 RCW including any right of appeal under a collective bargaining agreement.

**NEW SECTION.** Sec. 4. A new section is added to Title 28A RCW to read as follows:

The school district board of directors shall include in any contract for services with an entity other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

**NEW SECTION.** Sec. 5. A new section is added to Title 28A RCW to read as follows:

The school district shall immediately terminate the employment of any person whose certificate is subject to revocation under RCW 28A.70.160 upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. Employment shall remain terminated unless the employee successfully prevails on appeal. This section shall only apply to certificated employees who have contact with children during the course of their employment.

**NEW SECTION.** Sec. 6. A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall determine whether the person has a certificate to teach under chapter 28A.70 RCW or is employed by a school district. If the person is employed by a school district or certified under chapter 28A.70 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person who has a certificate to teach or is employed by a school district has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the state board of education and the superintendent of public instruction.

**NEW SECTION.** Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.70.180; adding new sections to Title 28A RCW; adding a new section to chapter 28A.70 RCW; and adding a new section to chapter 43.43 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 5314 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5663 with the following amendments:

On page 1, after line 26 insert:

**\*NEW SECTION, Sec. 2.** A new section is added to chapter 35.21 RCW to read as follows:

The necessary expenses of defending an elective city or town official in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the city or town if the official requests such defense and approval is granted by the city or town council. The expenses paid by the city or town may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge."

On page 1, beginning on line 1 of the title strike "and amending RCW 36.16.134" and insert "amending RCW 36.16.134; and adding a new section to chapter 35.21 RCW",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate did not concur in the House amendments to Substitute Senate Bill No. 5663 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5827 with the following amendments:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION, Sec. 1.** A new section is added to chapter 9.08 RCW to read as follows:

As used in RCW 9.08.070:

(1) "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.

(2) "Research institution" means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

Sec. 2. Section 1, chapter 114, Laws of 1982 and RCW 9.08.070 are each amended to read as follows:

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor:

~~((+))~~ (a) Takes, leads away, confines, secretes or converts any ~~((dog))~~ pet animal, except in cases in which the value of the ~~((dog))~~ pet animal exceeds two hundred fifty dollars;

~~((#))~~ (b) Conceals the identity of any ~~((dog))~~ pet animal or its owner by obscuring, altering, or removing from the ~~((dog))~~ pet animal any collar, tag, license, tattoo, or other identifying device or mark; or

~~((@))~~ (c) Willfully or recklessly kills or injures any ~~((dog))~~ pet animal, unless excused by law.

~~((Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.))~~

(2) Except as otherwise permitted by law, any person who does any of the following shall be guilty of a gross misdemeanor:

(a) Sells or otherwise directly transfers to a research institution in the state of Washington a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained; or

(b) Sells or otherwise transfers to another person who regularly sells animals to research institutions in the state of Washington a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained.

(3) The provisions of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.

NEW SECTION. Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state, whether by sale or otherwise, shall conform with federal laws and except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

(b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society, agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.

(2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:

(a) All information required by federal law;

(b) The certification required by this section; and

(c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of the effective date of this act, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution, which shall be binding on all employees, agents, or contractors of that institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

(c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and

(d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.

(4) For the purposes of this section, "research institution" means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

NEW SECTION. Sec. 4. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of RCW 9.08.070 or section 3 of this act constitutes an unfair or deceptive practice in violation of this chapter. The relief available under this chapter for violations of RCW 9.08.070 or section 3 of this act by a research institution shall be limited to only monetary penalties in an amount not to exceed two thousand five hundred dollars.

NEW SECTION. Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

No provision of RCW 9.08.070 or section 3 of this act shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher

education or biomedical research. The provisions of RCW 9.08.070 and section 3 of this act are cumulative and nonexclusive and shall not affect any other remedy.

**NEW SECTION.** Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "research;" strike the remainder of the title and insert "amending RCW 9.08.070; adding a new section to chapter 9.08 RCW; adding a new section to chapter 19.86 RCW; adding new sections to chapter 16.52 RCW; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Barr moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5827 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Barr that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5827 and asks the House to recede therefrom.

The motion by Senator Barr carried and the Senate did not concur in the House amendments to Substitute Senate Bill No. 5827 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Bender, Senators Kreidler and Niemi were excused.

#### MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5375 with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29).

**NEW SECTION.** Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan and safeguards for a DNA identification system and, after July 1, 1990, and legislative approval of the plan and safeguards, shall establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the proposed DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

The Washington state patrol in cooperation with the University of Washington school of medicine shall also develop a program for the proper administration and collection of blood samples. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner by a physician, registered nurse, or licensed phlebotomist.

**NEW SECTION.** Sec. 3. After July 1, 1990, and legislative adoption of appropriate safeguards, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(26)(a) or a violent offense as defined in RCW 9.94A.030(29) shall have a blood sample drawn for purposes of DNA identification analysis before release from or transfer to a state correctional institution or county jail or detention facility. Any blood sample

taken pursuant to section 2 of this act, this section, and sections 4 and 5 of this act shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

NEW SECTION. Sec. 4. The state patrol in consultation with the University of Washington school of medicine may:

(1) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(2) Provide expert testimony in court on DNA evidentiary issues.

NEW SECTION. Sec. 5. (1) No local law enforcement agency may establish or operate a DNA identification system before July 1, 1990.

(2) No local law enforcement agency may establish or operate a DNA identification system after June 30, 1990 unless:

(a) The equipment of the local system is compatible with that of the state system under section 2 of this act;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(3) The Washington state patrol shall adopt rules to implement this section.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 7. Any moneys received by the state from the federal bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund.

NEW SECTION. Sec. 8. The sum of six hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state patrol for the purposes of this act. The state patrol may not use any state, federal, or private funds to implement or establish a DNA identification system data bank prior to July 1, 1990 and prior to the legislature's adoption of safeguards for the collection, analysis, storage, expungement, and use of DNA identification data."

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; creating a new section; and making an appropriation."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Pullen moved that the Senate do not concur in the House amendments to Second Substitute Senate Bill No. 5375 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do not concur in the House amendments to Second Substitute Senate Bill No. 5375 and requests of the House a conference thereon.

The motion by Senator Pullen carried and the Senate did not concur in the House amendments to Second Substitute Senate Bill No. 5375 and requests of the House a conference thereon.

EDITOR'S NOTE: See appointment of Conference Committee to Second Substitute Senate Bill No. 5375 later on in the day.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5833 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 17, chapter 145, Laws of 1988 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the first or second degree, rape of a child in the second degree, kidnapping in the second degree, robbery in the second degree, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to one year and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; rape of a child in the second degree; vehicular homicide; child molestation in the first degree; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(21) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 2. Section 4, chapter 299, Laws of 1981 as amended by section 9, chapter 288, Laws of 1986 and RCW 13.40.027 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion (~~The committee shall propose modifications to the legislature regarding subsection 1(a)(ii) of this section by January 1, 1987~~); (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) (~~develop and propose~~) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

Sec. 3. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 73, Laws of 1985 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission shall (~~propose~~) recommend to the legislature no later than November 1st of each (~~even-numbered~~) year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards (~~proposed~~) recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards (~~proposed~~) recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing (~~proposed~~) recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.

(b) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each (~~even-numbered~~) year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding (~~two-year period~~) year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is

available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) ~~((If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.~~

~~(3) The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.~~

~~(4) If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.~~

(5)) In developing ~~((and promulgating))~~ recommendations for the permissible ranges of confinement under this section the commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

Sec. 4. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 191, Laws of 1983 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, section 7 of this act.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, section 7 of this act. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, section 7 of this act. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, section 7 of this act. A disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, section 7 of this act; PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, section 7 of this act in



which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**NEW SECTION.** Sec. 5. A new section is added to chapter 13.40 RCW to read as follows:

The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender.

**NEW SECTION.** Sec. 6. A new section is added to chapter 13.40 RCW to read as follows:

The total current offense points for use in the standards range matrix of schedules D-1, D-2, and D-3 are computed as follows:

(1) The disposition offense category is determined by the offense of conviction. Offenses are divided into ten levels of seriousness, ranging from low (seriousness level E) to high (seriousness level A+), see schedule A, section 7 of this act.

(2) The prior offense increase factor is summarized in schedule B, section 7 of this act. The increase factor is determined for each prior offense by using the time span and the offense category in the prior offense increase factor grid. Time span is computed from the date of the prior offense to the date of the current offense. The total increase factor is determined by totaling the increase factors for each prior offense and adding a constant factor of 1.0.

(3) The current offense points are summarized in schedule C, section 7 of this act. The current offense points are determined for each current offense by locating the juvenile's age on the horizontal axis and using the offense category on the vertical axis. The juvenile's age is determined as of the time of the current offense and is rounded down to the nearest whole number.

(4) The total current offense points are determined for each current offense by multiplying the total increase factor by the current offense points. The total current offense points are rounded down to the nearest whole number.

**NEW SECTION.** Sec. 7. A new section is added to chapter 13.40 RCW to read as follows:

**SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT. BAILJUMP, CONSPIRACY, OR SOLICITATION
	<u>Arson and Malicious Mischief</u>	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
	<u>Assault and Other Crimes Involving Physical Harm</u>	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+

SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	<u>Burglary and Trespass</u>	
B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
D	Vehicle Prowling (9A.52.100)	E
	<u>Drugs</u>	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marijuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Glue Sniffing (9.47A.050)	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1)(ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	<u>Firearms and Weapons</u>	
C+	Committing Crime When Armed (9.41.025)	D+
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Use of Firearms by Minor (<14) (9.41.240)	E
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	<u>Homicide</u>	

SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	<u>Kidnapping</u>	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
D	Custodial Interference (9A.40.050)	E
	<u>Obstructing Governmental Operation</u>	
E	Obstructing a Public Servant (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
E	Criminal Contempt (9.23.010)	E
	<u>Public Disturbance</u>	
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	<u>Sex Crimes</u>	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Public Indecency (Victim <14) (9A.88.010)	E
E	Public Indecency (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+
C+	Child Molestation 2 (9A.44.086)	C
	<u>Theft, Robbery, Extortion, and Forgery</u>	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.56.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E

SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BALJUMP, CONSPIRACY, OR SOLICITATION
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<u>Motor Vehicle Related Crimes</u>	
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.515)	E
B+	Negligent Homicide by Motor Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<u>Other</u>	
B	Bomb Threat (9.61.160)	C
C	Escape 1* (9A.76.110)	C
C	Escape 2* (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
C	Failure to Appear in Court (10.19.130)	D
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)**	V

\*Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement  
2nd escape or attempted escape during 12-month period - 8 weeks confinement  
3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

\*\*If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	<u>TIME SPAN</u>		
	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4

OFFENSE CATEGORY	<u>TIME SPAN</u>		
	0-12 Months	13-24 Months	25 Months or More
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C  
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	12 & Under	<u>AGE</u>				
		13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
F	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS  
SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

MINOR/FIRST OFFENDER  
OPTION A

<u>Points</u>	<u>STANDARD RANGE</u>		<u>Fine</u>
	<u>Community Supervision</u>	<u>Community Service Hours</u>	
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25
50-59	3-6 months	and/or 24-40	and/or 0-\$25
60-69	6-9 months	and/or 32-48	and/or 0-\$50
70-79	6-9 months	and/or 40-56	and/or 0-\$50
80-89	9-12 months	and/or 48-64	and/or 0-\$100
90-109	9-12 months	and/or 56-72	and/or 0-\$100

OR  
OPTION B  
STATUTORY OPTION

0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR  
OPTION C  
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range.

JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Community

Points	Community Supervision	Service Hours	Fine	Confinement Days Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR

OPTION B

STATUTORY OPTION

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER

OPTION A

STANDARD RANGE

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

OPTION B

MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence

the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range.

Sec. 8. Section 22, chapter 191, Laws of 1983 and RCW 13.40.280 are each amended to read as follows:

(1) (~~Notwithstanding the provisions of RCW 13.04.115;~~) The secretary, with the consent of the secretary of the department of corrections, has the authority to transfer a juvenile presently or hereafter committed to the department of social and health services to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of social and health services may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of social and health services shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(3) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

(4) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of social and health services and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

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

(1) Section 56, chapter 155, Laws of 1979 and RCW 13.40.035; and

(2) Section 10, chapter 288, Laws of 1986 and RCW 13.40.036."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 13.40.020, 13.40.027, 13.40.030, 13.40.160, and 13.40.280; adding new sections to chapter 13.40 RCW; repealing RCW 13.40.035 and 13.40.036; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Pullen moved that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 5833 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 5833 and requests of the House a conference thereon.

The motion by Senator Pullen carried and the Senate did not concur in the House amendments to Engrossed Senate Bill No. 5833 and requests of the House a conference thereon.

**EDITOR'S NOTE:** See appointment of Conference Committee to Engrossed Senate Bill No. 5833 later on in the day.

#### MESSAGE FROM THE HOUSE

March 29, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5033 with the following amendments:

On page 1, line 27, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 2, after line 24, strike all of section 4 through page 3, line 2.

Renumber the sections following consecutively, and correct internal references accordingly.

On page 3, line 9, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 3, line 31, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 4, line 8, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 5, line 4, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On line 2 of the title, after "19.52.020," strike "29.13.048."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5033.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5033, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Hansen, Kreidler, Niemi - 4.

SUBSTITUTE SENATE BILL NO. 5033, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5011 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 29, chapter 30, Laws of 1985 and RCW 11.94.050 are each amended to read as follows:

(1) Although a designated attorney in fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, the attorney in fact or agent shall not have the power, unless specifically provided otherwise in the document: To make, amend, alter, or revoke any of the principal's wills, codicils, life insurance beneficiary designations, employee benefit plan beneficiary designations, trust agreements, community property agreements; to make any gifts of property owned by the principal; to make transfers of property to any trust (whether or not created by the principal) unless the trust benefits the principal alone and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred into the trust, or to disclaim property.

(2) Nothing in subsection (1) of this section prohibits an attorney in fact or agent from making any transfer of resources not prohibited under ~~((RCW 74.09.532))~~ chapter 74.09 RCW when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

Sec. 2. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 5, Laws of 1985 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, ~~((including the prohibition under RCW 74.09.532 through 74.09.536 against the knowing and willful assignment of property or cash for the purpose of qualifying for such assistance.))~~ as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal



financial participation under Title XIX of the social security act; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

Sec. 3. Section 22, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 4, chapter 5, Laws of 1985 and RCW 74.09.700 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; rehabilitative services; medically necessary transportation; and other services for which funds are specifically provided in the omnibus appropriations act shall be covered;

(b) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve-month period;

(c) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services. ~~((In addition, the department shall include a prohibition against the knowing and willful assignment of property or cash for the purpose of qualifying for assistance under RCW 74.09.532 through 74.09.536.))~~

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

MEDICAL ASSISTANCE FOR INSTITUTIONALIZED PERSONS—TREATMENT OF INCOME

BETWEEN SPOUSES. (1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee.

(2) In determining eligibility for medical assistance or the limited casualty program for the medically needy for a married person in need of institutional care, or care under home and community-based waivers as defined in Title XIX of the social security act, if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess shall be considered unavailable to the applicant.

(3) The department shall adopt rules consistent with the provisions of section 1924 of the social security act entitled "Treatment of Income and Resources for Certain Institutionalized Spouses," in determining the allocation of income between an institutionalized and community spouse.

(4) The department shall establish the monthly maintenance needs allowance for the community spouse up to the maximum amount allowed by state appropriation or within available funds and permitted in section 1924 of the social security act. The total monthly needs allowance shall not exceed one thousand five hundred dollars, subject to adjustment provided in section 1924 of the social security act.

NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

MEDICAL ASSISTANCE FOR INSTITUTIONALIZED PERSONS—TREATMENT OF RESOURCES.

(1) The department shall promulgate rules consistent with the treatment of resources provisions of section 1924 of the social security act entitled "Treatment of Income and Resources for Certain Institutionalized Spouses," in determining the allocation of resources between the institutionalized and community spouse.

(2) In the interest of supporting the community spouse the department shall allow the maximum resource allowance amount permissible under the social security act for the community spouse.

NEW SECTION. Sec. 6. A new section is added to chapter 74.09 RCW to read as follows:

The department shall, on December 15 of each even-numbered year, submit to the fiscal committees of the senate and the house of representatives a report covering the utilization and state and federal expenditures resulting from implementation of sections 4, 5, and 7 of this act. This report shall include the number of families affected by the provisions of these sections, the average amount of the income and resources transferred and the state and federal funds provided for the care of the institutionalized spouse.

**NEW SECTION, Sec. 7.** A new section is added to chapter 74.09 RCW to read as follows:

**MEDICAL ASSISTANCE FOR INSTITUTIONALIZED PERSONS—PERIOD OF INELIGIBILITY FOR TRANSFER OF RESOURCES.** (1) The department shall establish standards consistent with section 1917 of the social security act in determining the period of ineligibility for medical assistance due to the transfer of resources.

(2) The department may waive a period of ineligibility if the department determines that denial of eligibility would work an undue hardship.

**NEW SECTION, Sec. 8.** A new section is added to chapter 74.09 RCW to read as follows:

**MEDICAL ASSISTANCE—DUE PROCESS PROCEDURES.** The department shall in compliance with section 1924 of the social security act adopt procedures which provide due process for institutionalized or community spouses who request a fair hearing as to the valuation of resources, the amount of the community spouse resource allowance, or the monthly maintenance needs allowance.

**NEW SECTION, Sec. 9.** (1) Sections 7 and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

(2) Sections 1 through 5 of this act shall take effect October 1, 1989.

**NEW SECTION, Sec. 10.** Section captions, as found in sections 4 through 8 of this act, constitute no part of the law.

**NEW SECTION, Sec. 11.** The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 3, Laws of 1981 2nd ex. sess. and RCW 74.09.532;
- (2) Section 2, chapter 3, Laws of 1981 2nd ex. sess. and RCW 74.09.534;
- (3) Section 3, chapter 3, Laws of 1981 2nd ex. sess. and RCW 74.09.536; and
- (4) Section 4, chapter 3, Laws of 1981 2nd ex. sess., section 41, chapter 75, Laws of 1987 and RCW 74.09.538."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 11.94.050, 74.09.510, and 74.09.700; adding new sections to chapter 74.09 RCW; creating a new section; repealing RCW 74.09.532, 74.09.534, 74.09.536, and 74.09.538; providing effective dates; and declaring an emergency."

and the same are here with transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator West, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5011.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5011, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5011, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Lee - 1.

Excused: Senators DeJarnatt, Hansen, Kreidler, Niemi - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Lee was excused.

#### MESSAGE FROM THE HOUSE

March 29, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5090 with the following amendments:

On page 1, beginning on line 5, strike section 1.

Re-number the remaining sections consecutively.

On page 10, line 5, strike "and 3 years junior" and insert "~~((and 3 years junior))~~"

On page 1, line 2 of the title, strike "9.94A.120 and".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5090.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5090, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5090, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Benitz - 1.

Excused: Senators DeJarnatt, Hansen, Kreidler, Lee, Niemi - 5.

ENGROSSED SENATE BILL NO. 5090, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5375 and the House amendments thereto: Senators Pullen, Talmadge and McCaslin.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5833 and the House amendments thereto: Senators Pullen, Talmadge and McCaslin.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5138 with the following amendment:

On page 1, line 22 after "shall be" strike "ten" and insert "fifteen".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5138.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5138, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5138, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Sutherland - 1.

Excused: Senators DeJarnatt, Hansen, Kreidler, Lee, Niemi - 5.

SUBSTITUTE SENATE BILL NO. 5138, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 29, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5234 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 486, Laws of 1987 and RCW 43.43.830 are each amended to read as follows:

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

(1) "Applicant" means either:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization. However, for school districts and educational service districts, prospective employee includes only noncertificated personnel; or

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

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

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.030(2)(b) or in a domestic relations action under Title 26 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means (~~criminal history~~) "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

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

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Drugless healing;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;

(k) Registered nursing;

(l) Psychology; and

(m) Real estate brokers and salesmen.

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

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

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

Sec. 2. Section 2, chapter 486, Laws of 1987 and RCW 43.43.832 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children or developmentally disabled persons need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43-.830, a prospective employee's record for convictions of offenses against children or other persons, adjudications of child abuse in a civil action, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child and adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children or the developmentally disabled or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15 RCW, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 3. Section 3, chapter 486, Laws of 1987 and RCW 43.43.834 are each amended to read as follows:

(1) A business or organization shall not make an inquiry to the Washington state patrol under RCW 43.43.832 or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

(a) Convicted of any crime against children or other persons;

(b) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor; or

(d) Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against children or other persons as defined in RCW 43.43.830.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under RCW 43.43.838.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

Sec. 4. Section 5, chapter 486, Laws of 1987 and RCW 43.43.838 are each amended to read as follows:

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15 RCW. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen working days of the request. Possession of such identification shall satisfy future background check requirements for the applicant for a two-year period.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization, including school districts and educational service districts, for the records check.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or RCW 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

Sec. 5. Section 6, chapter 486, Laws of 1987 and RCW 43.43.840 are each amended to read as follows:

(1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.030(2)(b) or domestic relations action under Title 26 RCW in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child.

(3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment."

On page 1, line 1 of the title, after "information," strike the remainder of the title and insert "and amending RCW 43.43.830, 43.43.832, 43.43.834, 43.43.838, and 43.43.840.",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5234.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5234, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5234, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Hansen, Kreidler, Niemi - 4.

SUBSTITUTE SENATE BILL NO. 5234, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bauer, Senator Owen was excused.

#### MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5252 with the following amendment:

On page 3, line 12 after "made" strike all material through "persons" on page 3, line 25 and insert "either by personal service or by mailing a copy of the ((notice)) complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address ((~~appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor. A copy of the notice and order shall also be mailed, addressed to such person, at the address~~)) of the building involved in the proceedings. ((~~if different, and to each person or party having a recorded right, title, estate, lien, or interest in the property~~)) and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Substitute Senate Bill No. 5252.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5252, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5252, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Cantu - 1.

Excused: Senators DeJarnatt, Hansen, Kreidler, Niemi, Owen - 5.

SUBSTITUTE SENATE BILL NO. 5252, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SENATE BILL NO. 5403 with the following amendment:

On page 1, line 24 after "state" insert ". The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Senate Bill No. 5403.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5403, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5403, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Kreidler, Niemi, Owen - 5.

SENATE BILL NO. 5403, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5419 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. The annual license fees are:

	Species	Resident	Nonresident
		Fee	Fee
(a)	Food fish other than salmon	\$100	\$200
(b)	Salmon and other food fish	\$200	\$200

(2) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A charter boat licensed in Oregon shall be permitted to fish without a charter boat license in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.



(4) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Sec. 2, Section 2, chapter 101, Laws of 1979 as amended by section 142, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.30.070 are each amended to read as follows:

(1) In addition to a salmon charter boat license, an angler permit is required to operate a salmon charter boat in salt water. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip and shall be issued annually without charge. The angler permit expires if the salmon charter boat license is not renewed.

(2) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

On page 1, line 1 of the title, after "boats;" strike the remainder of the title and insert "amending RCW 75.28.095 and 75.30.070."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 5419.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5419, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators DeJarnatt, Hansen, Niemi, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5419, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5362 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1, Section 6, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.010 are each amended to read as follows:

The provisions of this chapter are intended by the legislature:

(1) To end inappropriate, indefinite commitment of mentally disordered persons and to eliminate legal disabilities that arise from such commitment;

(2) To provide prompt evaluation and short term treatment of persons with serious mental disorders;

(3) To safeguard individual rights;

(4) To provide continuity of care for persons with serious mental disorders;

(5) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures;

(6) To encourage, whenever appropriate, that services be provided within the community;

(7) To protect the public safety.

Sec. 2, Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Secretary" means the secretary of the department of social and health services, or his designee;

(11) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Antipsychotic medications," also referred to as "neuroleptics," means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders and currently includes phenothiazines, thioxanthenes, butyrophenone, dihydroindolone, and dibenzoxazine.

Sec. 3, Section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 301, chapter 212, Laws of 1987 and RCW 71.05.120 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any county designated mental

health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, release, administer antipsychotic medications on an emergency basis, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 4. Section 18, chapter 142, Laws of 1973 1st ex. sess. as amended by section 8, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.130 are each amended to read as follows:

In any judicial proceeding for involuntary commitment or detention, or administration of antipsychotic medication, or in any proceeding challenging such commitment or detention, or administration of antipsychotic medication, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention or administration of antipsychotic medication and shall defend all challenges to such commitment or detention or administration of antipsychotic medication: PROVIDED, That after January 1, 1980, the attorney general shall represent and provide legal services and advice to state hospitals or institutions with regard to all provisions of and proceedings under this chapter except in proceedings initiated by such hospitals and institutions seeking fourteen day detention and administration of antipsychotic medication.

Sec. 5. Section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200 are each amended to read as follows:

(1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both ~~((he))~~ the person and, if possible, a responsible member of his or her immediate family, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where ~~((he))~~ the person is detained that unless ~~((he))~~ the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) That a judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain ~~((him))~~ the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that ~~((he))~~ the person is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or herself or that ~~((he))~~ the person is gravely disabled;

(b) That ~~((he))~~ the person has a right to communicate immediately with an attorney; ~~((he))~~ has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and ~~((he))~~ has the right to be told the name and address of the attorney the mental health professional has designated pursuant to this chapter;

(c) That ~~((he))~~ the person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) That ~~((he))~~ the person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) That ~~((he))~~ the person has the right to refuse medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on said designated attorney.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court.

Sec. 6. Section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 439, Laws of 1987 and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician who may be assisted by a physician's assistant according to chapter 18.71A RCW or a nurse practitioner according to chapter 18.88 RCW and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time

of his or her right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in an alcohol treatment facility, then the person shall be referred to an approved treatment facility defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 7. Section 30, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 439, Laws of 1987 and RCW 71.05.250 are each amended to read as follows:

At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his or her behalf;
- (2) To cross-examine witnesses who testify against him or her;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file.

The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

Sec. 8. Section 42, chapter 142, Laws of 1973 1st ex. sess. as amended by section 26, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.370 are each amended to read as follows:

Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his or her private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment, the administration of antipsychotic medications, or surgery, except emergency life-saving surgery, (~~upon him;~~) and not to have shock treatment, antipsychotic medications, or nonemergency surgery in such circumstance unless ordered by a court of competent jurisdiction pursuant to (~~a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person~~) the following standards and procedures:

(a) Shock treatment and the administration of antipsychotic medication shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to shock treatment or the administration of antipsychotic medications, that the proposed treatment

is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

(b) The court shall make specific findings of fact concerning: (i) The existence of one or more compelling state interests; (ii) the necessity and effectiveness of the treatment; and (iii) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(c) The person shall be present at any hearing on a request to administer shock treatment or antipsychotic medications filed pursuant to this subsection. The person has the right: (i) To be represented by an attorney; (ii) to present evidence; (iii) to cross-examine witnesses; (iv) to have the rules of evidence enforced; (v) to remain silent; (vi) to view and copy all petitions and reports in the court file; and (vii) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, psychologist within their scope of practice, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, psychologist within their scope of practice, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for shock treatment is sought.

(d) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, any succeeding order entered pursuant to RCW 71.05.320(1), and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication. Upon a request timely filed, a review of any such medication order shall be conducted by the court at the hearing on a petition filed pursuant to RCW 71.05.300. If a succeeding involuntary treatment order is entered pursuant to RCW 71.05.320(2), a person who refuses to consent to the administration of antipsychotic medications shall be entitled to an evidentiary hearing in accordance with this section.

(e) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order under the following circumstances:

(i) A person presents an imminent likelihood of serious harm to self or others;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(iii) In the opinion of the physician with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have psychosurgery performed on him or her under any circumstances.

NEW SECTION, Sec. 9. A new section is added to chapter 71.34 RCW to read as follows:

For the purposes of administration of antipsychotic medication and shock treatment, the provisions of this act apply to minors pursuant to chapter 71.34 RCW.

NEW SECTION, Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "medications;" strike the remainder of the title and insert "amending RCW 71.05.010, 71.05.020, 71.05.120, 71.05.130, 71.05.200, 71.05.210, 71.05.250, and 71.05.370; adding a new section to chapter 71.34 RCW; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator West, the Senate concurred in the House amendments to Substitute Senate Bill No. 5362.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5362, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent, 1; excused, 4.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin,

McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Craswell, Moore, Pullen, Rasmussen, Vognild - 5.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Hansen, Niemi, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5362, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

#### MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5441 with the following amendments:

On page 4, line 26, after "notification" insert "or a bilateral or multilateral agreement is entered into between the state of Washington and any Canadian province implementing essentially the same standards of regulation and penalties of all parties as encompassed in this chapter"

On page 6, line 5, after "within" insert "one hundred"

On page 27, line 11 strike all of New Section 33

Renumber the remaining section accordingly.,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5441.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5441, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5441, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Sutherland, Warnke - 2.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SENATE BILL NO. 5464 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Boxing" includes, but is not limited to, sumo, judo, and karate in addition to fisticuffs, but does not include professional wrestling.

(2) "Commission" means the professional athletic commission.

(3) "Promoter" means any person and, in the case of a corporation, an officer, director, employee, or shareholder thereof, who produces, arranges, or stages any professional wrestling exhibition or boxing contest.

(4) "Wrestling exhibition" or "wrestling show" means a form of sports entertainment in which the participants display their skills in a struggle against each other in the ring and either

the outcome may be predetermined or the participants do not necessarily strive to win, or both.

NEW SECTION. Sec. 2. A promoter shall have an ambulance or paramedical unit present at the arena in case a serious injury occurs unless an ambulance or paramedical unit is located within five miles of the arena and that unit is on call for such an occurrence.

NEW SECTION. Sec. 3. A promoter shall ensure that adequate security personnel are in attendance at a wrestling exhibition or boxing contest to control fans in attendance. The size of the security force shall be determined by mutual agreement of the promoter, the person in charge of operating the arena or other facility, and the commission.

NEW SECTION. Sec. 4. (1) It is unlawful for any promoter or person associated with or employed by any promoter to destroy any ticket or ticket stub, whether sold or unsold, within three months after the date of any exhibition or show.

(2) It is unlawful for any wrestler to deliberately cut himself or herself or otherwise mutilate himself or herself while participating in a wrestling exhibition.

(3) Any licensee convicted under chapter 69.50 RCW shall have his or her license revoked.

(4) The striking of any person that is not a licensed participant at a wrestling exhibition or show shall constitute grounds for suspension, revocation, or both.

Sec. 5. Section 1, chapter 184, Laws of 1933 as last amended by section 1, chapter 19, Laws of 1988 and RCW 67.08.001 are each amended to read as follows:

~~((1) For the purposes of this chapter, "boxing" includes, but is not limited to, wrestling, sumo, judo, and karate in addition to fisticuffs.~~

~~(2)) There is hereby created and established a state commission to be known and designated as the "state ~~((boxing))~~ professional athletic commission" and in this chapter referred to as the commission. The commission shall be composed of three members who shall be appointed by the governor and shall be subject to removal at the pleasure of the governor. The members of the first commission to be appointed after June 7, 1933, shall be appointed for the terms beginning July 1, 1933, and expiring as follows: One commissioner for the term expiring January 31, 1934, one commissioner for the term expiring January 31, 1935, and one commissioner for the term expiring January 31, 1936. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first appointed, each succeeding commissioner shall be appointed to hold office for a term of four years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by the appointment by the governor for the unexpired portion of the term in which such vacancy occurs.~~

Sec. 6. Section 9, chapter 184, Laws of 1933 and RCW 67.08.030 are each amended to read as follows:

~~(1) Every ~~((licensee))~~ boxing promoter, as a condition for receiving a license ~~((as herein provided for)), shall file a good and sufficient bond in the sum of ~~((one))~~ ten thousand dollars with the commission ~~((in cities of less than one hundred fifty thousand inhabitants and of two thousand five hundred dollars in cities of more than one hundred fifty thousand inhabitants condition (conditioned) for)), conditioned upon the faithful performance by such licensee of the provisions of this chapter, the payment of the taxes, officials, and contracts as provided for herein and the ~~((obeyance (observance)))~~ observance of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general.~~~~~~

~~(2) Every promoter of a wrestling exhibition or closed circuit telecast as a condition of receiving a license as provided for under this chapter shall file a good and sufficient bond in the sum of one thousand dollars with the commission in cities of less than one hundred fifty thousand inhabitants and of two thousand five hundred dollars in cities of more than one hundred fifty thousand inhabitants conditioned upon the faithful performance by such licensee of the provisions of this chapter, the payment of the taxes and officials provided for herein and the observance of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general.~~

~~(3) Boxing promoters must obtain medical insurance to cover any injuries incurred by participants at the time of the event.~~

Sec. 7. Section 11, chapter 184, Laws of 1933 and RCW 67.08.050 are each amended to read as follows:

~~(1) Any ~~((licensee))~~ promoter as herein provided shall within ~~((three))~~ seven days prior to the holding of any boxing contest or sparring ~~((and/or wrestling))~~ match or exhibition file with the commission a statement setting forth the name of each ~~((contestant))~~ licensee, his or her manager or managers and such other information as the commission may require ~~((and shall within seventy-two hours after)). Any promoter shall, within seven days before holding any wrestling exhibition or show, file with the commission a statement setting forth the name of each contestant, his or her manager or managers, and such other information as the commission may require. Participant changes within a twenty-four hour period regarding a wrestling exhibition or show may be allowed after notice to the commission, if the new participant holds a valid license under this chapter. The commission may stop any event that is a part of a~~~~

wrestling exhibition wherein any participant is not licensed under this chapter. Upon the termination of any contest or exhibition the promoter shall file with the designated commission representative a written report, duly verified as the commission may require showing the number of tickets sold for such contest, the price charged for such tickets and the gross proceeds thereof, and such other and further information as the commission may require. ((Such license)) The promoter shall pay to the commission at the time of filing the above report a tax equal to five percent of such gross receipts and said five percent of such gross receipts shall be immediately paid by the commission into the state ((athletic)) general fund ((of the state of Washington which is hereby created)).

(2) The number of complimentary tickets shall be limited to two percent of the total tickets sold per event location. All complimentary tickets exceeding this set amount shall be subject to taxation.

Sec. 8. Section 14, chapter 184, Laws of 1933 as last amended by section 1, chapter 45, Laws of 1974 ex. sess. and RCW 67.08.080 are each amended to read as follows:

No boxing contest or sparring exhibition held in this state whether under the provisions of this chapter or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be scheduled for ((a longer period)) less than or longer than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state or regional championships the commission may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds, and in bouts involving national championships the commission may grant an extension of no more than five additional rounds to allow total bouts of fifteen rounds. No contestant in any boxing contest or sparring match or exhibition whether under this chapter or otherwise shall be permitted to wear gloves weighing less than ((six)) eight ounces. ((The length and duration for wrestling matches whether held under the provisions of this chapter or otherwise shall be regulated by order of the commission.)) The commission shall promulgate rules and regulations to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the contest in all respects, and to otherwise make rules and regulations consistent with this chapter, but such rules and regulations shall apply only to contests held under the provisions of this chapter.

Sec. 9. Section 15, chapter 184, Laws of 1933 and RCW 67.08.090 are each amended to read as follows:

Each contestant for boxing(;) or sparring ((or wrestling)) shall be examined within eight hours prior to the contest by a competent physician appointed by the commission. The physician shall forthwith and before such contest report in writing and over his or her signature the physical condition of each and every contestant to the commissioner or inspector present at such contest. No contestant whose physical condition is not approved by the examining physician shall be permitted to participate in any contest. Blank forms of physicians' report shall be provided by the commission and all questions upon such blanks shall be answered in full. The examining physician shall be paid a fee designated by the commission by the ((licensee)) promoter conducting such match or exhibition. The commission may have a participant in a wrestling exhibition or show examined by a physician appointed by the commission prior to the exhibition or show. A participant in a wrestling exhibition or show whose condition is not approved by the examining physician shall not be permitted to participate in the exhibition or show. No boxing contest ((or)), sparring ((or wrestling)) match, or exhibition shall be held unless a licensed physician of the commission or his or her duly appointed representative(;) shall be) is present throughout the contest. The commission may require that a physician be present at a wrestling exhibition or show. Any physician present at a wrestling show or exhibition shall be paid for by the promoter.

Any practicing physician and surgeon may be selected by the board as the examining physician. Such physician present at such contest shall have authority to stop any contest when in ((his)) the physician's opinion it would be dangerous to a contestant to continue, and in such event it shall be ((his)) the physician's duty to stop such contest. ((If he has acted as examining physician he shall receive no fee for being present at such contest.))

Sec. 10. Section 16, chapter 184, Laws of 1933 as amended by section 6, chapter 305, Laws of 1959 and RCW 67.08.100 are each amended to read as follows:

(1) The commission may grant annual licenses upon application in compliance with the rules and regulations prescribed by the commission, and the payment of the fees, the amount of which is to be determined by the commission, prescribed to promoters, managers, referees, boxers, wrestlers, and seconds ((and trainers)); PROVIDED, That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the ((war)) defense department or any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests ((or smokers)) and where all funds are used primarily for the benefit of their members.

(2) Any such license may be revoked by the commission for any cause which it shall deem sufficient.



(3) No person shall participate or serve in any of the above capacities unless licensed as (~~herein~~) provided in this chapter.

(4) The referee for any boxing contest shall be designated by the commission from among such licensed referees.

(5) The referee for any wrestling exhibition or show shall be provided by the promoter and licensed by the commission.

Sec. 11. Section 17, chapter 184, Laws of 1933 and RCW 67.08.110 are each amended to read as follows:

Any person or any member of any group of persons or corporation promoting (~~wrestling or~~) boxing exhibitions or contests who shall participate directly or indirectly in the purse or fee of any manager of any boxers (~~or wrestlers~~) or any boxer (~~or any wrestler~~) and any licensee who shall conduct or participate in any sham or fake boxing contest or sparring (~~or wrestling~~) match or exhibition shall thereby forfeit its license and the commission shall declare such (~~licensee (license))~~ license canceled and void and such licensee shall not thereafter be entitled to receive another such, or any license issued pursuant to the provisions of this chapter.

Sec. 12. Section 18, chapter 184, Laws of 1933 and RCW 67.08.120 are each amended to read as follows:

Any contestant or licensee who shall participate in any sham or fake boxing contest (~~or sparring or wrestling~~), match, or exhibition (~~or~~) and any licensee or participant who violates any rule or regulation of the commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the commission for a period of not less than three months from participating in any contest held under the provisions of this chapter, such suspension to take effect immediately after the occurrence of the offense; for any second offense such contestant shall be forever suspended from participation in any contest held under the provisions of this chapter.

Sec. 13. Section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.010 are each amended to read as follows:

The commission shall have power to issue and for cause to revoke a license to conduct boxing contests (~~or~~), sparring matches, or wrestling ((matches)) shows or exhibitions including a simultaneous telecast of any live, current or spontaneous boxing, sparring or wrestling match or performance on a closed circuit telecast within this state, whether originating in this state or elsewhere, and for which a charge is made, as herein provided under such terms and conditions and at such times and places as the commission may determine. Such licenses shall entitle the holder thereof to conduct boxing contests and sparring and/or wrestling matches and exhibitions under such terms and conditions and at such times and places as the commission may determine. In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such canceled license shall be entitled, upon application, to a hearing to be held not less than sixty days after the filing of such order at such place as the commission may designate: PROVIDED, HOWEVER, That if it has been found by a valid finding and such finding is fully set forth in such order, that the applicant or licensee has been guilty of disobeying any provision of this chapter, such hearing shall be denied.

Sec. 14. Section 2, chapter 9, Laws of 1977 and RCW 67.08.015 are each amended to read as follows:

The commission shall have power and it shall be its duty to direct, supervise, and control all boxing contests (~~or~~), sparring matches, and wrestling ((matches)) shows or exhibitions conducted within the state and no such boxing contest, sparring match, or wrestling (match) show or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing(~~:~~) and sparring ((and/or wrestling)) contests, ((matches:)) and wrestling shows and exhibitions where an admission fee is charged by any club, corporation, organization, association, or fraternal society: PROVIDED, HOWEVER, That all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state; or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes; shall not be subject to the provisions of this chapter: PROVIDED, FURTHER, That every contestant in any boxing contest(~~:~~) or sparring (~~or wrestling~~) match not conducted under the provisions of this chapter, prior to engaging in any such contest or match, shall be examined by a practicing physician at least once in each calendar year or, where such contest is conducted by a common school, college or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: PROVIDED FURTHER, That no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated: PROVIDED FURTHER, That the organizations exempted by this section from the

provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests~~(:)~~ or sparring ~~((or wrestling))~~ matches or exhibitions conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest ~~((or))~~, sparring match, or wrestling ~~((match))~~ show or exhibition shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided.

Sec. 15. Section 5, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.055 are each amended to read as follows:

Every licensee who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or ~~((performance))~~ show on a closed circuit telecast viewed within this state shall, within seventy-two hours after such event, furnish to the commission a verified written report on a form which is supplied by the commission showing the number of tickets issued or sold, and the gross receipts therefor without any deductions whatsoever. Such licensee shall also, at the same time, pay to the commission a tax equal to five percent of such gross receipts paid for admission to the showing of the contest, match or exhibition. In no event, however, shall the tax be less than twenty-five dollars. The tax shall apply uniformly at the same rate to all persons subject to the tax. Such receipts shall be immediately paid by the commission into the general fund of the state.

Sec. 16. Section 12, chapter 184, Laws of 1933 as last amended by section 2, chapter 19, Laws of 1988 and RCW 67.08.060 are each amended to read as follows:

The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest or sparring ~~((and/or wrestling))~~ match or exhibition held under the provisions of this chapter and may be present at any wrestling exhibition or show. Such inspectors shall carry a card signed by the chairman of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts herein provided for and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the commission for each contest officially attended. Each inspector shall also receive from the state travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 17. Section 22, chapter 184, Laws of 1933 as last amended by section 3, chapter 19, Laws of 1988 and RCW 67.08.140 are each amended to read as follows:

Any person, club, corporation, organization, association, ~~((or))~~ fraternal society, participant, or promoter conducting ~~((within this state))~~ or participating in boxing contests, sparring matches, or wrestling ~~((contests))~~ shows or exhibitions within this state without having first obtained a license therefor in the manner provided by this chapter is in violation of this chapter and shall be guilty of a misdemeanor excepting such contests excluded from the operation of this chapter by RCW 67.08.015. The attorney general, each prosecuting attorney, the commission, or any citizen of any county where any person, club, corporation, organization, association, ~~((or))~~ fraternal society, promoter, or participant shall threaten to hold, or appears likely to hold or participate in athletic contests or exhibitions in violation of this chapter, may in accordance with the laws of this state governing injunctions, enjoin such person, club, corporation, organization, association, ~~((or))~~ fraternal society, promoter, or participant from holding or participating in such contest or exhibition.

NEW SECTION. Sec. 18. Sections 1 through 4 of this act are each added to chapter 67.08 RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "boxing;" strike the remainder of the title and insert "amending RCW 67.08.001, 67.08.030, 67.08.050, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.010, 67.08.015, 67.08.055, 67.08.060, and 67.08.140; adding new sections to chapter 67.08 RCW; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Senate Bill No. 5464.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5464, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5464, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

SENATE BILL NO. 5464, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5472 with the following amendments:

On page 4, after line 2, insert the following:

\*Section 22, chapter 7, Laws of 1983 as last amended by section 13, chapter 149, Laws of 1987 and RCW 88.02.110 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a violation of this chapter, RCW 43.51.400, and the rules adopted by the department and the state parks and recreation commission pursuant to these statutes is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) ~~((After subtraction of court costs and administrative collection fees, moneys collected under this section shall be credited to the current expense fund of the arresting jurisdiction.~~

(3) All law enforcement officers shall have the authority to enforce this chapter, RCW 43.51.400, and the rules adopted by the department and the state parks and recreation commission pursuant to these statutes within their respective jurisdictions: PROVIDED, That a city, town, or county may contract with a fire protection district for such enforcement and fire protection districts are authorized to engage in such activities."

On line 2 of the title, after "88.02.060" insert "and 88.02.110".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5472.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5472, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5472, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5472, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5481 with the following amendments:

On page 2, after line 24 insert a new section to read as follows:

**"NEW SECTION.** Sec. 3. The sum of two hundred and seventy thousand dollars, or as much thereof as may be necessary, is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1991 to carry out the purposes of this act."

Renumber the remaining section consecutively.

On page 1, line 2 of the title after "18.72.306:" insert "making an appropriation:".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator West, the Senate concurred in the House amendments to Substitute Senate Bill No. 5481.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5481, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

SUBSTITUTE SENATE BILL NO. 5481, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5715 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature finds and declares that assisting persons regarding immigration matters substantially affects the public interest. The practices of immigration assistants have a significant impact on the residents of the state of Washington. It is the intent of the legislature to establish rules of practice and conduct for immigration assistants to promote honesty and fair dealing with residents and to preserve public confidence.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Immigration assistant" means every person who, for compensation or the expectation of compensation, gives nonlegal assistance on an immigration matter. That assistance is limited to:

(a) Transcribing responses to a government agency form selected by the customer which is related to an immigration matter, but does not include advising a person as to his or her answers on those forms;

(b) Translating a person's answer to questions posed on those forms;

(c) Securing for a person supporting documents currently in existence, such as birth and marriage certificates, which may be needed to submit with those forms;

(d) Making referrals to attorneys who could undertake legal representation for a person in an immigration matter.

(2) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant, or citizenship status of any person which arises under immigration and naturalization law, executive order, or presidential proclamation, or which arises under action of the United States immigration and naturalization service, the United States department of labor, or the United States department of state.

(3) "Compensation" means money, property, or anything else of value.

**NEW SECTION.** Sec. 3. The following persons are exempt from all provisions of this chapter:

(1) An attorney licensed to practice law in this state where such attorney renders services in the course of his or her practice as an attorney and a legal intern, as described by court rule, or paralegal employed by and under the direct supervision of such an attorney;

(2) A nonprofit corporation or clinic affiliated with a law school in this state that provides immigration consulting services to clients without charge beyond a request for reimbursement of the corporation's or clinic's reasonable costs relating to providing immigration services to that client. "Reasonable costs" include, but are not limited to, the costs of photocopying, telephone calls, document requests, and the filing fees for immigration forms.

**NEW SECTION.** Sec. 4. Any person who wishes to engage in the business of an immigration assistant must register with the secretary of state's office and provide his or her name, business address, home address, and business and home telephone numbers.

**NEW SECTION.** Sec. 5. Immigration assistants who have registered must inform the secretary of state of any changes in their name, addresses, or telephone numbers within thirty days of the change.

**NEW SECTION.** Sec. 6. Immigration assistants shall offer or provide only nonlegal assistance in an immigration matter as defined in section 2 of this act.

**NEW SECTION.** Sec. 7. (1) Before providing any assistance, an immigration assistant who has agreed to provide immigration assistance to a customer shall provide the customer with a written contract that includes the following provisions:

(a) An explanation of the services to be performed;

(b) Identification of all compensation and costs to be charged to the customer for the services to be performed;

(c) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the assistant for any purpose, including payment of compensation or costs;

(d) A statement that the immigration assistant is not an attorney and may not perform legal services. This statement shall be on the face of the contract in ten-point bold type print; and

(e) A statement that the customer has seventy-two hours to rescind the contract. This statement shall be conspicuously set forth in the contract.

(2) The written contract shall be stated in both English and in the language of the customer.

(3) A copy of the written contract shall be provided to the customer by the immigration assistant upon execution of the contract.

(4) A customer has the right to rescind a contract within seventy-two hours of the signing of the contract.

(5) Any documents identified in subsection (1)(c) of this section shall be returned upon demand of the customer.

**NEW SECTION.** Sec. 8. In the course of dealing with customers or prospective customers, an immigration assistant shall not:

(1) Make any statement that the immigration assistant can or will obtain special favors from or has special influence with the United States immigration and naturalization service;

(2) Retain any compensation for services not performed;

(3) Refuse to return documents supplied by, prepared by, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer;

(4) Represent or advertise, in connection with the provision of immigration assistance, other titles or credentials, including but not limited to "notary public" or "immigration consultant" that could cause a customer to believe that the immigration assistant possesses special professional skills;

(5) Communicate in any manner, oral or written, that registration under this chapter is an indicator of special skill or expertise or that it allows the person to provide advice on an immigration matter;

(6) Give any legal advice concerning an immigration matter.

**NEW SECTION.** Sec. 9. The legislature finds and declares that any violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth in RCW 19.86.020.

**NEW SECTION.** Sec. 10. A violation of this chapter shall be punished as a gross misdemeanor according to chapter 9A.20 RCW.

**NEW SECTION.** Sec. 11. This chapter shall be known and cited as the "immigration assistant practices act."

**NEW SECTION.** Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 19 RCW.

Sec. 13. Section 14, chapter 94, Laws of 1933 and RCW 2.48.180 are each amended to read as follows:

Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall practice law, or hold himself out as entitled to practice law, shall, except as provided in section 10 of this 1989 act, be guilty of a misdemeanor: PROVIDED, HOWEVER, Nothing herein

contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "assistants;" strike the remainder of the title and insert "amending RCW 2.48.180; adding a new chapter to title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5715.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5715, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5715, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

ENGROSSED SENATE BILL NO. 5715, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5009 with the following amendments:

On page 1, line 14 after "Vessels" strike "owned by a resident of a country other than the United States" and insert "~~((owned by a resident of a country other than the United States))~~"

On page 1, line 16 after "days)" strike "and".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5009.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5009, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

SUBSTITUTE SENATE BILL NO. 5009, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

April 10, 1989

SB 5338 Prime Sponsor, Senator Patterson: Modifying transportation tax rates and distributions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Conner, McMullen, Murray, Sellar, Thorsness.

Passed to Committee on Rules for second reading.

April 10, 1989

ESHB 1864 Prime Sponsor, Committee on Health Care: Concerning quality of care in nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENT

April 10, 1989

GA 9130 RICHARD J. THOMPSON, appointed April 6, 1989, for a term ending at the Governor's pleasure, as Secretary of the Department of Social and Health Services.  
Reported by Committee on Health Care and Corrections

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

## MOTION

On motion of Senator Newhouse, the rules were suspended and Gubernatorial Appointment No. 9130, Richard J. Thompson, as Secretary of the Department of Social and Health Services, was advanced to second reading and read the second time.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator West, Gubernatorial Appointment No. 9130, Richard J. Thompson, as Secretary of the Department of Social and Health Services, was confirmed.

Senators Metcalf, Gaspard, Talmadge, McDonald and McCaslin spoke to the confirmation of Richard J. Thompson as Secretary of the Department of Social and Health Services.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, with all of the accolades that are going on, I think probably Dick Thompson will do a good job in his allotted span, as Senator Talmadge spoke of. My question is, has he said that he won't go around the state criticizing the budget? It seems like the last director got in a little trouble on that and of course Senator Shinpoch got in trouble from trying to straighten the department out. I wondered if any promises had been made."

Senator McDonald: "No, I don't think so, Senator Rasmussen, but I believe from talking to, soon to be, Secretary Thompson that he's a man that's very careful about

his words and very careful about his numbers and I can't say that about the last secretary."

Senator Rasmussen: "Thank you, Senator McDonald. I am reassured."

#### APPOINTMENT OF RICHARD J. THOMPSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Johnson, Niemi, Owen - 5.

#### MOTION

At 5:34 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Tuesday, April 11, 1989.

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



## NINETY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 11, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, DeJarnatt, Fleming, Hansen and West. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Christine Black and Brad Wolf, presented the Colors. Robert Williams, Councilor of the Olympia, Washington Stake of the Church of Jesus Christ Latter-Day Saints, offered the prayer.

#### MOTION

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

#### PERSONAL PRIVILEGE

Senator Saling: "A point of personal privilege, Mr. President. (Senator Saling sings Happy Birthday to Senator Nelson)."

Senator Nelson then wishes Senator Saling a Happy Birthday.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9121, Robert Kozuki, as a member of the Board of Trustees for the Pierce Community College, District No. 11, was confirmed.

#### APPOINTMENT OF ROBERT KOZUKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Bender, Fleming, Hansen, West - 4.

Excused: Senator DeJarnatt - 1.

#### MOTION

On motion of Senator Warnke, Senators Bender, Fleming and Hansen were excused.

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

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5108 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 460, Laws of 1987 and RCW 26.09.191 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an

extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: ~~((a))~~ (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; ~~((b))~~ (ii) physical, sexual, or a pattern of emotional abuse of a child; or ~~((c))~~ (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony, unless))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds limitation on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations ~~((or unless it is shown not to have had an impact on the child))~~ of (a) and (b) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) and (b) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 2. Section 44, chapter 460, Laws of 1987 and RCW 26.10.160 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights ~~((unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances))~~ except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's

best interests to apply the limitations of (a) and (b) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) and (b) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child ~~((but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health)).~~ Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

On page 1, line 2 of the title, after "abuser;" strike the remainder of the title and insert "and amending RCW 26.09.191 and 26.10.160."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate did not concur in the House amendments to Substitute Senate Bill No. 5108 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5185 with the following amendments:

On page 1, after the enacting clause strike the remainder of the bill, and insert:

**NEW SECTION.** Sec. 1. The legislature finds that:

(1) A majority of women with preschool and school age children in Washington state are working outside of the home and are in need of child care services for their children;

(2) The supply of licensed child care facilities in Washington state is insufficient to meet the growing demand for child care services;

(3) The most convenient location of child care facilities for many working families is near the family's home or workplace.

**NEW SECTION.** Sec. 2. The purpose of this act is to encourage the dispersion of child care facilities throughout cities and counties in Washington state so that child care services are available at convenient locations to working parents.

**NEW SECTION.** Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4, 5, 6, 7, and 8 of this act:

(1) "Family day care home" means a person regularly providing care during part of the twenty-four-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed.

(2) "Mini-day care center" means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.

(3) "Day care center" means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day.

(4) "Child care facility" means a family day care home, mini-day care center, and day care center.

**NEW SECTION.** Sec. 4. A new section is added to chapter 35.63 RCW to read as follows:

Each municipality that does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

**NEW SECTION.** Sec. 5. A new section is added to chapter 35A.63 RCW to read as follows:

Each municipality that does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

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

Each county that does not provide for the siting of family day care homes in zones that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones that are designated for any residential or commercial uses, shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

**NEW SECTION.** Sec. 7. A new section is added to chapter 35.22 RCW to read as follows:

If a first class city zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, and does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, the city shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

**NEW SECTION.** Sec. 8. A new section is added to chapter 36.32 RCW to read as follows:

If a county operating under home rule charter zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, nor chapter 36.70 RCW, and that county does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, the county shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

**NEW SECTION.** Sec. 9. The department of community development shall:

(1) Report to the appropriate committees of the legislature the results of the local reviews provided for in sections 4 through 8 of this act by December 31, 1990.

(2) In consultation with the department of social and health services, Washington state association of counties, the association of Washington cities, the Washington state family child care association, and the Washington association for the education of young children, develop a model ordinance for the siting of child care facilities. The model ordinance shall be developed by December 31, 1990.

**NEW SECTION.** Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title after "zoning;" strike the remainder of the title, and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 5185 and asks the House to recede therefrom.

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

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1423, by Representatives Day, Cantwell, Wineberry, Schoon, Rasmussen, Doty, Kremen, McLean, Rayburn, Jesernig, Ferguson, Jacobsen, Rector and P. King

Authorizing the creation of local seed capital pools.

The bill was read the second time.

#### MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter may be known and cited as the city and county seed capital pool act.

NEW SECTION. Sec. 2. The legislature finds that the diversification of the state's economy and the creation of new employment opportunities will be enhanced by the development of locally responsive and accountable sources of capital for new enterprises and for new product development. The difference between state economies which provide adequate high-quality employment opportunities for citizens and those which do not is in part a function of the rate of creation of new enterprises and of their ability to sustain themselves. The availability of capital to finance new business enterprises and new product development is a critical factor in increasing the number of successful new enterprises created in the state and thus the ability of the state economy to create employment opportunities. The state has a history of promoting economic health and growth through the creation of development entities which are created locally and which are accountable to local citizens. The state finds it a public purpose to authorize the creation of local seed capital pools by city and county governments, financed by citizen contributions, which may provide capital to new enterprises and which may finance new product development in counties in the state.

NEW SECTION. Sec. 3. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Eligible enterprise" means a small business that is primarily located and operated in the city or county and that is or proposes to be engaged in the city or county in research and development, in commercial product development, or in manufacturing, technology, or the production of goods and services with high potential for expansion and trade outside the state's borders.

(2) "Qualified security" means any note, stock, treasury stock bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant, or right to subscribe to or purchase any of the foregoing.

(3) "Seed capital" means financing that is provided for the initial development, refinement, testing, marketing, and commercialization of a product, service, or process to an enterprise with a high potential for long-term commercial sales and that is provided before any substantial commercial sales have been made by the enterprise of the product or service being developed.

(4) "Small business" means any business that has fewer than fifty full-time employees or its equivalent.

NEW SECTION. Sec. 4. A city or county may create a local seed capital pool to operate in the city or county and to provide funds in the form of loans or equity participation to finance new enterprises or to assist in the development of new products in the marketplace. The local

seed capital pool shall be governed by a board of directors consisting of seven members appointed by the legislative authority of the city or county. The legislative authority may designate, as the board of directors of the local seed capital pool, the board of directors of an industrial development corporation located in the city or county. Unless the board of directors of an industrial development corporation is designated, members of the board of directors shall be citizens of the city or county with expertise in small business, new business development, and business finance and shall include members of the general public. The legislative authorities of two or more contiguous counties may, pursuant to chapter 39.34 RCW, combine to form a multicounty seed capital pool. If a local seed capital pool is created by both a county and a city within the county, only one pool shall operate and it shall be by interlocal agreement pursuant to chapter 39.34 RCW.

**NEW SECTION.** Sec. 5. A local seed capital pool shall provide funds by purchasing qualified securities of eligible enterprises. A local seed capital pool may not acquire more than forty-five percent of the stated capital of any eligible enterprise, and no seed capital funds may be used for real estate investments.

The legislative authority of the city or county shall provide, by ordinance or resolution, procedures for the determination of which enterprises qualify as eligible and may grant any powers to the board of directors as may be necessary for it to carry out its duties.

**NEW SECTION.** Sec. 6. Upon request of the legislative authority of a city or county in which a seed capital pool has been created and the board of directors of the local seed capital pool, each utility providing water distribution services and each utility providing sewerage collection services in the city or county may include in its billings to a utility consumer printed materials which provide the consumer the opportunity to indicate his or her assent to donate a monthly sum of no less than one dollar to finance the local seed capital pool. The materials shall allow the local utility consumer the opportunity to denote the amount of funds to be donated each month to the local seed capital pool. If a consumer indicates that donations should be made on a monthly basis to a local seed capital pool, the utility shall add such sums to its periodic billings for services and shall pass such funds as are collected as a result to the local seed capital pool. A utility may charge the local seed capital pool a fee of no more than seven percent of the funds collected to defray the utility's costs in collecting and processing donations to local seed capital pools.

**NEW SECTION.** Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 36 RCW.

**NEW SECTION.** Sec. 8. The legislature finds that the unavailability of capital to viable firms that do not meet current commercial bank or venture capital criteria for loans or equity investments can have a devastating impact on the state's economic development efforts. Without reasonable access to financing, talented and aggressive entrepreneurs are cut out of the economic system and the overall economy of the state suffers.

The process of job creation and economic development requires readily available capital for small and young companies that are the major source of innovations and new jobs. To ensure the availability of capital to entrepreneurs in Washington state, the legislature hereby eliminates unnecessary restrictions which have discouraged the formation of industrial development corporations under current law and adds incentives to encourage the formation of business and industrial development corporations.

Sec. 9. Section 1, chapter 162, Laws of 1963 and RCW 31.24.010 are each amended to read as follows:

~~((As used in this chapter, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:~~

(1) Corporation means a Washington business and industrial development corporation created under this chapter.

(2) Financial institution means any banking corporation or trust company, national banking association, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

~~(3) ((Member means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this chapter, upon its call, and in accordance with the provisions of this chapter.~~

(4)) Board of directors means the board of directors of the corporation created under this chapter.

~~((5) Loan limit means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this chapter.))~~

(4) Business means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(5) Associate means, if used with respect to a corporation:

(a) A controlling person, director, officer, agent, or advisor of that corporation.

(b) A director, officer, or partner of a person referred to in (a) of this subsection.

(c) A person who controls, is controlled by, or is under common control with a person referred to in (a) of this subsection directly or indirectly through one or more intermediaries.

(d) Any close relative of any person referred to in (a) of this subsection.

(e) A person of which a person referred to in (a) through (d) of this subsection is a director or officer.

(f) A person in which a person referred to in (a) through (d) of this subsection, or any combination of those persons acting in concert, owns or controls, directly or indirectly, a twenty percent or greater equity interest.

For the purposes of this subsection (5)(f), a person who is in a relationship referred to in this subsection within six months before or after a corporation provides financing assistance shall be considered to be in that relationship as of the date that corporation provides that financing assistance.

If a corporation, in order to protect its interests, designates a person to serve as a director of, officer of, or in any capacity in the management of a business to which that corporation provides financing assistance, that person shall not, on that account, be considered to have a relationship with that business. This exception does not apply if the person has, directly or indirectly, any other financial interest in the business or if the person, at any time before the corporation provides the financing assistance, served as a director of, officer of, or in any other capacity in the management of the business for a period of thirty days or more.

(6) Close relative means a parent, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, sister-in-law, grandparent, or grandchild.

(7) Supervisor means the state supervisor of banking.

Sec. 10. Section 2, chapter 162, Laws of 1963 as amended by section 1, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.020 are each amended to read as follows:

~~((Fifteen))~~ Seven or more persons, a majority of whom shall be residents of this state, who may desire to create ((an)) a business and industrial development corporation under the provisions of this chapter, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "Business and Industrial Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to ((promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state; provide maximum opportunities for employment; encourage thrift; and improve the standard of living of citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state)) provide moderate risk financing and management assistance to businesses operating primarily in Washington state to increase job opportunities for Washington citizens and the prosperity of the state.

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than ((fifty thousand)) one million dollars, except as otherwise provided in this chapter. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until ~~((a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state))~~ the state supervisor of banking has certified the corporation as eligible to operate as a business and industrial development corporation under this chapter.

A person transacting business in this state shall not use a name or title which indicates that the person is a business and industrial development corporation including, but not limited to, use of the term "BIDCO," and a person shall not otherwise represent that the person is a business and industrial development corporation until the person has been certified as a business and industrial development corporation.

A corporation shall be certified by the supervisor of banking as eligible to operate under this chapter upon meeting the following conditions:

(a) The corporation has paid a three thousand dollar certification fee to the state supervisor of banking and such other fees or costs as the supervisor establishes by rule;

(b) The corporation has submitted a business plan which includes at least three years of detailed financial projections and other relevant information;

(c) The corporation has provided information about the character and competence of each director and officer of the corporation; and

(d) The supervisor finds that the corporation's officers and directors are capable of running the corporation competently, has a net worth and lendable funds sufficient to provide financing assistance, and that the directors and officers of the corporation have agreed to comply with the terms of this chapter and its intent to facilitate the availability of moderate risk financing to firms in Washington. In making the finding under this subsection, the supervisor of banking shall:

(i) Consult with the director of trade and economic development and the director of community development; and

(ii) Require a minimum net worth of one million dollars and an additional one million dollars in lendable funds or an enforceable pledge for one million dollars in lendable funds, unless the supervisor finds that special circumstances render lesser amounts of net worth or lendable funds adequate for the corporation to meet the intent of this chapter and operate according to its business plan.

Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by ~~((him))~~ the secretary and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Sec. 11, Section 3, chapter 162, Laws of 1963 as last amended by section 42, chapter 466, Laws of 1985 and RCW 31.24.030 are each amended to read as follows:

The business of a corporation shall be to provide financing and management assistance to businesses operating primarily in Washington state. In furtherance of its ~~((purposes))~~ business and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, ~~((the))~~ each corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation~~((PROVIDED: That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner)).~~

(2) To borrow money ~~((from its members and the small business administration and any other similar federal agency;))~~ for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder ~~((or member))~~ approval~~((PROVIDED: That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner)).~~



(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith(~~(-PROVIDED, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution)).~~

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, ~~((including, but not restricted to, any))~~ if the real or personal property is for the corporation's use in operating its business, or if the real or personal property is acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) ~~((To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments;))~~ To determine the form and the terms and conditions for financing assistance provided by the corporation to a business including, but not limited to forms such as loans; purchase of debt instruments; straight equity investments, such as purchase of common stock or preferred stock; debt with equity features such as warrants to purchase stock, convertible debentures, or receipt of a percent of net income or sales; royalty based financing; guaranteeing of debt; or leasing of property. A corporation may purchase securities of a business either directly or indirectly through an underwriter. A corporation may participate in the program of the small business administration pursuant to section 7(a) of the small business act, (Public Law 85-536, 15 U.S.C. Sec. 636(a)), or any other government program for which the corporation is eligible and which has as its function the provision or facilitation of financing or management assistance to businesses. If a corporation participates in a program referred to in this section, the corporation shall comply with the requirements of that program. Financing assistance provided by a corporation to a business shall be for the business purposes of that business.

(6) ~~((To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon;))~~ To provide management assistance to a business which may encompass both management or technical advice and management or technical services. Management assistance provided by a corporation to a business shall be for the business purposes of that business.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsection~~(8))~~ (4)~~((;))~~ or (5)~~((-or(6)))~~ of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of trade and economic development, ~~the department of community development,~~ and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To make donations for charitable, educational, research, or similar purposes.

(10) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 12. Section 4, chapter 162, Laws of 1963 and RCW 31.24.040 are each amended to read as follows:

Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

~~((+))~~ Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this chapter(~~(-PROVIDED, That~~

a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation:

(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; and

(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state. PROVIDED: That the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member).

The amount of capital stock of the corporation which any ((member)) financial institution is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such ((member)) financial institution may otherwise be authorized to acquire.

Sec. 13. Section 7, chapter 162, Laws of 1963 and RCW 31.24.070 are each amended to read as follows:

The stockholders (~~and the members~~) of the corporation shall have the following powers of the corporation:

(1) To determine the number of and elect directors as provided in RCW 31.24.090;

(2) To make, amend and repeal bylaws;

(3) To amend this charter as provided in RCW 31.24.080;

(4) To dissolve the corporation as provided in RCW 31.24.150;

(5) To do all things necessary or desirable to secure aid, assistance, loans and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, public law 85-699, 85th congress, or other similar federal laws now or hereafter enacted.

(6) To exercise such other of the powers of the corporation consistent with this chapter as may be conferred on the stockholders (~~and the members~~) by the bylaws.

As to all matters requiring action by the stockholders (~~and the members~~) of the corporation, said stockholders (~~and said members~~) shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled (~~and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled~~).

(~~Each~~) Stockholders shall have one vote, in person or by proxy, for each share of capital stock held (~~by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars shall have one additional vote, in person or by proxy, for each additional one thousand dollars which such member is authorized to have outstanding on loans to the corporation at any one time as determined under subsection (3)(b) of RCW 31.24.050~~).

Sec. 14. Section 8, chapter 162, Laws of 1963 and RCW 31.24.080 are each amended to read as follows:

The articles of incorporation may be amended by the votes of the stockholders (~~and the members of the corporation~~), voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders (~~shall be entitled and two-thirds of the votes to which the members~~) shall be entitled: PROVIDED, That no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state supervisor of banking to examine the corporation or the obligation of the corporation to make reports as provided in RCW 31.24.120, shall be made (~~PROVIDED, FURTHER, That no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any charge in the principal amount, interest rate, maturity date, or in the security or credit position of an outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each membership affected by such amendment~~).

Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if ((he)) the secretary finds that they conform to the requirements of this chapter, shall so certify and endorse his or her approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Sec. 15. Section 9, chapter 162, Laws of 1963 as amended by section 3, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.090 are each amended to read as follows:

The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than ~~((eleven))~~ seven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by ~~((the members and))~~ the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders ~~((or members))~~ and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. ~~((At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors.))~~ The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director ~~((elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders))~~ shall be filled by the directors ~~((elected by the stockholders))~~.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

**NEW SECTION.** Sec. 16. A new section is added to chapter 31.24 RCW to read as follows:

(1) A corporation shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition. The supervisor of banking shall revoke the certification of a corporation if the supervisor finds that the corporation has failed to operate or maintain itself in a safe and sound manner or has failed to comply with the intent of this chapter, and the corporation may not transact business as a business and industrial development corporation until such time as the supervisor recertifies the corporation consistent with RCW 31.24.020(8). The secretary of state shall remove from the active files the incorporation records of a corporation with its certification revoked until such time as the supervisor of banking has recertified the corporation.

(2) In determining whether a corporation is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the supervisor shall consider the risk of a provision of financing assistance to a business firm, within the context of the anticipated higher risks associated with the purposes of corporations organized under this chapter.

(3) Subsection (2) of this section does not limit the authority of the supervisor to:

(a) Determine that a corporation's financing assistance to a single business or group of affiliated firms is in violation of subsection (1) of this section if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholder's equity of the corporation;

(b) Require that a corporation maintain a reserve in the amount of anticipated losses; and

(c) Require that a corporation have a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The supervisor shall not require that a corporation adopt a financing assistance policy that contains standards which prevent the corporation from exercising flexibility in meeting the capital needs of the individual firms.

Sec. 17. Section 12, chapter 162, Laws of 1963 and RCW 31.24.120 are each amended to read as follows:

The corporation shall be examined at least ~~((once annually))~~ every eighteen months by the state supervisor of banking and shall make quarterly reports of its condition ~~((not less than annually))~~ to said state supervisor of banking and more frequently upon call of the state supervisor of banking, who in turn shall make copies of such reports available to the state insurance commissioner and the governor; and the corporation shall also furnish such other information as may from time to time be required by the state supervisor of banking and secretary of state. The corporation shall pay the actual cost of said examinations. The state supervisor of banking shall exercise the same power and authority over corporations organized under this chapter as is now exercised over banks and trust companies by the provisions of the Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this chapter.

The state supervisor of banking shall publish annually and provide to the senate and house commerce and labor committees and ways and means committees information on the impact of this chapter in promoting economic development in Washington. At the minimum, the information shall include aggregate statistics on each of the following:

(1) The number and locations of corporations operating under this chapter;

(2) The number of instances and dollar amount of financing and management assistance given by corporations operating under this chapter to:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses; and

(d) Businesses located in distressed areas;

(3) The number of jobs created or retained by:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses;

(d) Businesses located in distressed areas; and

(e) The wage rates paid to the employees hired or retained; and

(4) The percentage of each business's total contributions or payments for unemployment insurance made to the state of Washington.

Sec. 18. Section 13, chapter 162, Laws of 1963 and RCW 31.24.130 are each amended to read as follows:

The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws, by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. ~~((Fen))~~ Five of the incorporators shall be a quorum for the transaction of business.

NEW SECTION. Sec. 19. A new section is added to chapter 31.24 RCW to read as follows:

(1) The director of trade and economic development is authorized to provide assistance and advice to persons forming corporations under this chapter.

(2) The director may contract with corporations organized under this chapter. Each contract shall specify that the money received under the contract shall be used to provide management assistance, which may include management and technical advice and services and other technical support, to businesses receiving financing from the contracting corporation. No more than five corporations may contract with the department under this section at any time. No corporation may receive more than a total of two hundred fifty thousand dollars under this section.

(3) To qualify for a contract under this section, a corporation shall agree that at least one-half of the corporation's loans and investments will be to businesses operating in distressed areas as defined in RCW 82.60.020(3) and that the corporation's loans and investments will be to businesses that have agreed to enter first-source hiring agreements with the employment security department, local private industry councils, local labor unions, or other employment or placement agencies. These agreements shall require the businesses to interview prospective employees from a list of the unemployed supplied by the employment or placement agencies and hire any qualified candidates on the list before hiring any candidates not on the list. The first-source hiring agreements shall require the business to:

(a) Provide a job description for each position;

(b) Provide a description of the skills each position requires; and

(c) Provide a salary range for each position.

The first-source hiring agreements shall require the employment or placement agency to provide a list of candidates who have expressed interest in each available position and who meet the skill requirements of each position. No fees may be charged of the unemployed candidates on the list supplied by the employment or placement agency.

(4) The director of trade and economic development shall adopt rules to carry out this section.

Sec. 20. Section 14, chapter 162, Laws of 1963 and RCW 31.24.140 are each amended to read as follows:

Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders ~~((and the members))~~ to dissolve the corporation prior to the expiration of said period as provided in RCW 31.24.150.

Sec. 21. Section 15, chapter 162, Laws of 1963 as amended by section 52, chapter 3, Laws of 1983 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled ~~((and two-thirds of the votes to which the member shall be entitled))~~ dissolve said corporation as provided by Title 23A RCW, insofar as Title 23A RCW is not in conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the ~~((members))~~ creditors of the corporation ~~((as creditors thereof))~~ have been paid in full.

NEW SECTION. Sec. 22. A new section is added to chapter 82.04 RCW to read as follows:

(1) A credit is allowed against the tax imposed under this chapter for each of the fiscal years beginning July 1, 1989, and ending June 30, 1994, for amounts invested in each such year in business and industrial development corporations organized under chapter 31.24 RCW. The amount of allowable credit in each such year shall be as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1990	25%
1991	20%
1992	15%
1993	10%
1994	5%
1995	0%

(2) Applications for credit under this section shall be submitted as prescribed by the department by rule. No credit may be taken under this section until it has been approved by the department.

(3) Credits allowed under this section to any taxpayer shall not exceed the tax otherwise payable under this chapter by the taxpayer for that fiscal year. Any excess credit shall not be carried over to succeeding years.

(4) No credit may be allowed under this section for an investment for which credit has been allowed under section 23 or 24 of this act.

(5) Any taxpayer receiving a credit under this section who withdraws all or part of the investment on which the credit was based within five years shall repay the credit in proportion to the withdrawal as provided in section 25 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 82.16 RCW to read as follows:

(1) A credit is allowed against the tax imposed under this chapter for each of the fiscal years beginning July 1, 1989, and ending June 30, 1994, for amounts invested in each such year in business and industrial development corporations organized under chapter 31.24 RCW. The amount of allowable credit in each such year shall be as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1990	25%
1991	20%
1992	15%
1993	10%
1994	5%
1995	0%

(2) Applications for credit under this section shall be submitted as prescribed by the department by rule. No credit may be taken under this section until it has been approved by the department.

(3) Credits allowed under this section to any taxpayer shall not exceed the tax otherwise payable under this chapter by the taxpayer for that fiscal year. Any excess credit shall not be carried over to succeeding years.

(4) No credit may be allowed under this section for an investment for which credit has been allowed under section 22 or 24 of this act.

(5) Any taxpayer receiving a credit under this section who withdraws all or part of the investment on which the credit was based within five years shall repay the credit in proportion to the withdrawal as provided in section 25 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 48.14 RCW to read as follows:

(1) A credit is allowed against the tax imposed under this chapter for each of the fiscal years beginning July 1, 1989, and ending June 30, 1994, for amounts invested in each such year in business and industrial development corporations organized under chapter 31.24 RCW. The amount of allowable credit in each such year shall be as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1990	25%
1991	20%
1992	15%
1993	10%
1994	5%
1995	0%

(2) Applications for credit under this section shall be submitted as prescribed by the department by rule. No credit may be taken under this section until it has been approved by the department.

(3) Credits allowed under this section to any taxpayer shall not exceed the tax otherwise payable under this chapter by the taxpayer for that fiscal year. Any excess credit shall not be carried over to succeeding years.

(4) No credit may be allowed under this section for an investment for which credit has been allowed under section 22 or 23 of this act.

(5) Any taxpayer receiving a credit under this section who withdraws all or part of the investment on which the credit was based within five years shall repay the credit in proportion to the withdrawal as provided in section 25 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 31.24 RCW to read as follows:

(1) Investors which take advantage of the tax credits allowed under sections 22, 23, and 24 of this act and which withdraw within the first five years of their investment any funds invested in a corporation governed by this chapter shall be obligated to return to the state treasury a portion of the tax credit granted which is equal in proportion to the amount the withdrawn funds represent relative to the total funds invested by the investor.

(2) Any corporation which loses its certification shall be obligated to pay to the state treasurer an amount equal to any tax credits taken by investors in such corporation within three years preceding the loss of certification. Such payment shall be made within eighteen months of the loss of certification unless the corporation is recertified within that time. The obligation to pay the state treasurer created by this section shall be a lien on the assets and capital of a corporation losing its certification and shall have priority over any other liens or security interests.

NEW SECTION. Sec. 26. A new section is added to chapter 31.24 RCW to read as follows:

The department of revenue shall keep a running total of all credits granted under sections 22 through 24 of this act during each fiscal year. The department of revenue shall not allow any credits which would cause the tabulation to exceed four million dollars.

NEW SECTION. Sec. 27. A new section is added to chapter 31.24 RCW to read as follows:

(1) A corporation shall not provide, directly or indirectly, financing assistance to:

(a) An associate of the corporation;

(b) Discharge, or to free other money for use in discharging, in whole or in part, an obligation to an associate of that corporation. This section does not apply to a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(c) A business to which an associate of that corporation provides financing assistance, either contemporaneously with, or within one year before or after, the providing of financing assistance by the corporation, if the terms on which the corporation provides financing assistance are less favorable to the corporation than the terms on which the associate provides financing assistance to the business. If the financing assistance provided by the associate of the corporation is of a different kind from the financing assistance provided by the corporation, the burden shall be on the corporation to prove that the terms on which the corporation provided financing assistance were at least as favorable to the corporation as the terms on which the associate provided financing assistance to the business.

This subsection (1)(c) does not apply to any of the following:

(i) If the associate is a controlling person of the corporation and is also the only shareholder of the corporation;

(ii) If the associate is a subsidiary of the corporation; or

(iii) A transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(2) For the purposes of this section and section 28 of this act:

(a) "Person" means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization. If used with respect to acquiring control of or controlling a specified person, person includes a combination of two or more persons acting in concert;

(b) "Control" means, if used with respect to a specified person, the power to direct or cause the direction of, directly or indirectly through one or more intermediaries, the management and policies of that specified person, whether through the ownership of voting securities; by contract, other than a commercial contract for goods or nonmanagement services; or otherwise. A natural person shall not be considered to control a person solely on account of being a director, officer, or employee of that person. A person who, directly or indirectly, owns of record or beneficially holds with power to vote, or holds proxies with discretionary authority to vote, twenty percent or more of the then outstanding voting securities issued by a corporation shall be rebuttably presumed to control that corporation; and

(c) "Controlling person" means, if used with respect to a specified person, a person who controls that specified person, directly or indirectly through one or more intermediaries.

NEW SECTION. Sec. 28. A new section is added to chapter 31.24 RCW to read as follows:

An associate of a corporation shall not receive, directly or indirectly, from a person to whom that corporation provides financing assistance, compensation in connection with the providing of that financing assistance or anything of value for procuring, influencing, or attempting to procure or influence the corporation's action with respect to the providing of the financing assistance. This section does not apply to the receipt of fees by an associate of a corporation for bona fide closing services performed by that associate if all of the following are true:

(1) The associate, with the consent and knowledge of the person to whom the financing assistance is provided, is designated by the corporation to perform the services;

(2) The services are appropriate and necessary in the circumstances;

(3) The fees for the services are approved as reasonable by the corporation; and

(4) The fees for the services are collected by the corporation on behalf of the associate.

Sec. 29. Section 16, chapter 162, Laws of 1963 and RCW 31.24.160 are each amended to read as follows:

Under no circumstances shall the credit of the state of Washington be pledged to any corporation organized under the provisions of this chapter. The state of Washington shall not be subject to or responsible for any claim, debt, obligation, liability, or undertaking arising from the formation, operation, activities, or dissolution of a corporation organized under this chapter, and shall be immune from suit thereon. All debt and equity instruments, including but not limited to bonds, debentures, securities, notes, and shares, issued by corporations organized under this chapter shall indicate on the face of each such document as issued that it does not constitute an obligation of the state of Washington.

NEW SECTION. Sec. 30. A new section is added to chapter 31.24 RCW to read as follows:

The insurance commissioner, the state supervisor of banking, the state supervisor of savings and loan associations, and the utilities and transportation commission shall each adopt such rules as may be necessary to allow those insurers, banks, savings and loan associations, and public service companies subject to regulation by state law to participate as investors in corporations organized under this chapter in a manner consistent with state regulatory requirements and the requirements imposed under this chapter.

Sec. 31. Section 2, chapter 107, Laws of 1987 and section 1, chapter 337, Laws of 1987 and section 16, chapter 370, Laws of 1987 and section 1, chapter 404, Laws of 1987 and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) Except as provided under section 2 of this 1987 act (1987 c 404 § 2), all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION, Sec. 32.** The legislative budget committee shall, by January 1, 1992, conduct analyses of business industrial development corporations. The analyses shall provide information on any costs to the state resulting from the operation of the corporation as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to their activities.

The analysis shall include a review of: The number of firms; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm and community as a result of program assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by communities and firms assisted by the program; and sales volume trends for each firm assisted by the program.

**NEW SECTION, Sec. 33.** If specific funding for the purposes of sections 8 through 34 of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, sections 8 through 34 of this act shall be null and void.

**NEW SECTION, Sec. 34.** The following acts or parts of acts are each repealed:

(1) Section 5, chapter 162, Laws of 1963, section 1, chapter 90, Laws of 1973 1st ex. sess., section 2, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.050;

(2) Section 6, chapter 162, Laws of 1963 and RCW 31.24.060; and

(3) Section 10, chapter 162, Laws of 1963 and RCW 31.24.100.

**NEW SECTION, Sec. 35.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."



## POINT OF ORDER

Senator Niemi: "Thank you, Mr. President. I rise to a point of order. I would like a ruling on the scope and object of the latter part of the committee amendment to Engrossed House Bill No. 1423. I believe it begins with Section 9, the BIDCO part. This bill is about seed capital. It doesn't seem to me, that the BIDCO Bill is properly amended to it."

## MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 1423 was deferred.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1426, by Committee on Fisheries and Wildlife (originally sponsored by Representatives Winsley, R. King and P. King)

Relating to the hound stamp.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1426 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1426.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1426 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators McCaslin, Moore, Murray, Niemi, Stratton - 5.

Excused: Senators Bender, DeJarnatt, Fleming, Hansen - 4.

SUBSTITUTE HOUSE BILL NO. 1426, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the Joint Session to be held at 11:00 a.m. today and appointed Senators Nelson, McMullen and Saling to join with a like committee from the House of Representatives to escort Governor Booth Gardner and British Columbia Premier William Vander Zalm to the House Chamber for the Joint Session of the Legislature.

## MOTION

At 9:02 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:04 a.m., by President Pritchard.

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

## REPORT OF STANDING COMMITTEE

April 10, 1989

SHB 1560

Prime Sponsor, Committee on Health Care: Making changes to medical care provisions. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Bluechel, Vice Chairman; Bauer, Cantu, Conner, Craswell, Hayner, Matson, Newhouse, Rasmussen, Wojahn.

Referred to Committee on Ways and Means.

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

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1438, by Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jacobsen, Jones, Winsley and Walk (by request of Legislative Transportation Committee)

Increasing public transportation reporting requirements.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 2, line 19, after "facilities" insert ", including vehicle replacement standards"

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1438, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1438, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1438, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Amondson - 1.

Excused: Senators Bender, DeJarnatt, Fleming, Hansen - 4.

ENGROSSED HOUSE BILL NO. 1438, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5872, by Senators Anderson, Smitherman, Lee, Murray, West, McMullen, Benitz, Saling, Barr and Patterson

Establishing a rural affairs revitalization committee and undertaking rural development projects.

#### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5872 was substituted for Senate Bill No. 5872 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hayner, the following amendment by Senators Hayner, Lee and Benitz was adopted:

On page 6, after line 6, insert the following:

\*Sec. 14, Section 14, chapter 236, Laws of 1967 as last amended by section 24, chapter 1, Laws of 1988 ex. sess. and RCW 67.28.210 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.230, and 67.28.240 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center

facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used in distressed areas as defined in RCW 43.160.076 to (1) finance road and other necessary utility improvements to municipally owned property for the purpose of stimulating economic development, and (2) to develop strategies to expand tourism ((in distressed areas, as defined in RCW 43.165.018)); PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986; PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes."

Renumber sections consecutively and correct internal references.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "revitalization," insert "amending RCW 67.28.210:"

On motion of Senator Lee, the rules were suspended, Engrossed Substitute Senate Bill No. 5872 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5872.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Matson - 1.

Excused: Senators Bender, DeJarnatt, Hansen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5872, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1423 and the pending Committee on Economic Development and Labor amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Engrossed House Bill No. 1423 is a measure which allows cities and counties to establish a local seed capital pool to finance, through private donations, new enterprises or assist in the development of new products.

"The amendment proposed by the Senate Economic Development and Labor Committee would, in addition, amend the Industrial Development Corporation Act by making numerous changes in the way that business and industrial development corporations do business in this state.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Economic Development and Labor striking amendment to Engrossed House Bill No. 1423 was ruled out of order.

## MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 1423 was deferred.

## SECOND READING

SENATE BILL NO. 6074, by Senators West, Stratton, McCaslin and Saling  
Revising provisions on public facilities districts.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6074 was substituted for Senate Bill No. 6074 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the following amendment was adopted:

On page 3, line 17, after "property" strike ", except that no such tax may be levied on any premises having fewer than forty lodging units" and insert "(~~except that no such tax may be levied on any premises having fewer than forty lodging units~~)"

## MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 6074 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Warnke: "Senator West, with the exemption now out, would it include bed and breakfast establishments?"

Senator West: "I can't answer that question specifically, because I don't know what the definition of how they fall into the classification of hotel-motels. It does include RV parks, though."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6074.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, West, Wojahn - 41.

Voting nay: Senators Gaspard, Moore, Warnke, Williams - 4.

Absent: Senator Fleming - 1.

Excused: Senators Bender, DeJarnatt, Hansen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Cantwell, Moyer, Wineberry, P. King, Nelson, Rasmussen and Walk

Recommending adoption of the Washington State Economic Development Board reports by the legislature.

The resolution was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 30, strike "adopts" and insert "accepts"

On motion of Senator Lee, the following amendment by Senators Lee and Rasmussen was adopted:

On page 2, line 4, after "by" delete "requiring" and insert "asking"

## MOTION

On motion of Senator Lee, the rules were suspended, House Concurrent Resolution No. 4408, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4408, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4408, as amended by the Senate, and the concurrent resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, DeJarnatt, Hansen - 3.

HOUSE CONCURRENT RESOLUTION NO. 4408, as amended by the Senate, having received the constitutional majority was declared passed.

## SECOND READING

HOUSE BILL NO. 2053, by Representatives Silver, Locke, May, H. Sommers, Ferguson, Horn and Wood

Providing a seven-year limitation for regular property tax levies involving redemption payments on bonds.

The bill was read the second time.

## MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 2, line 1, after "exceed" delete "seven" and insert "nine"

On motion of Senator McDonald, the rules were suspended, House Bill No. 2053, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2053, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2053, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, DeJarnatt, Hansen - 3.

HOUSE BILL NO. 2053, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1445, by Representatives Inslée, Jacobsen, Heavey, Kremen, Winsley, Rector, Nelson, Wang, Fraser, Leonard, Prentice, Sayan, Dellwo, Sprenkle, Spanel, Basich, Brekke and H. Myers (by request of Governor Gardner)

Authorizing financial aid to needy students enrolled on at least a half-time basis.

The bill was read the second time.

## MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** It is the intent of the legislature that nothing in this act shall prevent or discourage an individual from making an effort to repay any state financial aid awarded during his or her collegiate career.

**Sec. 2.** Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 56, chapter 370, Laws of 1985 and RCW 28B.10.802 are each amended to read as follows:

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

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

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

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

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

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

**Sec. 3.** Section 11, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.806 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

- (a) Fulfilling educational aspirations of students of the state of Washington, and
- (b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The commission will disseminate the information yielded by their analyses to all appropriate individuals and agents.

(c) This study should include information on the following:

- (i) all programs and sources of available student financial aid,
- (ii) distribution of Washington citizens by socio-economic class,
- (iii) data from federal and state studies useful in identifying:
  - (A) demands of students for specific educational goals in colleges, and
  - (B) the discrepancy between high school students' preferences and the colleges they actually selected.

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state program will supplement available federal and local aid programs. The state program of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher learning and the student's total resources, including family support, personal savings, employment, and federal and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the commission shall consider the following:

(a) Assets and income of the student.

(b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.

(c) The cost of attending the institution the student is attending or planning to attend.

(d) Any other criteria deemed relevant to the commission.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to ~~((full-time))~~ needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

Sec. 4. Section 12, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.808 are each amended to read as follows:

In awarding grants, the commission shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the commission, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The commission shall annually select the financial aid award winners from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the commission's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A grant may be renewed until the course of study is completed, but not for more than an additional ~~((three))~~ four academic years beyond the first year of the award. These shall not be required to be consecutive years. Qualifications for renewal will include maintaining satisfactory academic standing toward completion of the course of study, and continued eligibility as determined by the commission. Should the recipient terminate his enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds.

(4) In computing financial need the commission shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. 5. Section 13, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.810 are each amended to read as follows:

For a student to be eligible for financial aid ~~((he))~~ the student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the commission in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment ~~((as a full-time student or as a student under an established program designed to qualify him for enrollment as a full-time student))~~ on at least a half-time basis at an institution of higher education in Washington.

(4) Have complied with all the rules and regulations adopted by the commission for the administration of RCW 28B.10.800 through 28B.10.824."

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 1 of the title, after "program," strike the remainder of the title and insert "amending RCW 28B.10.802, 28B.10.806, 28B.10.808, and 28B.10.810; and creating a new section."

#### MOTION

On motion of Senator Saling, the rules were suspended, House Bill No. 1445, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1445, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1445, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, DeJarnatt, Hansen - 3.

HOUSE BILL NO. 1445, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1989-8665

by Senators Bluechel and McDonald

WHEREAS, Frau Annelies Clauson, a German teacher and head of the foreign language department at Juanita High School, has originated, developed, and directed her own uniquely styled American-German Exchange Program since 1967; and

WHEREAS, Frau Clauson voluntarily uses her own time and much of her own money to organize and direct the program in the United States and Germany; and

WHEREAS, Frau Clauson has received two distinguished awards from the Federal Republic of Germany: The Bundesverdienstkreuz, the highest civilian peacetime award, in December, 1988, and the Goethe Haus Award in 1981, as one of the outstanding high school and university German instructors in the United States; and

WHEREAS, The German Exchange Program has allowed over one thousand German and American high school students to bridge the gap of cultural difference and misunderstandings by learning each other's language and culture; and

WHEREAS, An average of seventy to seventy-five American and German students exchange families, countries, and schools for six months each year through Frau Clauson's program; and

WHEREAS, The German Exchange Program teaches students and their families about the heritage and life styles of Germans and Americans and promotes goodwill between the two countries;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor Frau Annelies Clauson for all of her efforts and achievements in directing and organizing this exceptional German Exchange Program for our children; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Frau Annelies Clauson, Juanita High School, the Lake Washington School District Board, the Superintendent of Lake Washington School District No. 414, and the German schools in the Federal Republic of Germany that have participated in the exchange program over the years.

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Frau Annelies Clauson, who was seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Frau Clauson to address the Senate.

#### MOTION

At 11:08 a.m., on motion of Senator Newhouse, the Senate recessed for the Joint Session and will resume business at 1:15 p.m.

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

#### JOINT SESSION

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

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



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

The Speaker (Representative O'Brien presiding) presented the gavel to President Pritchard.

#### REMARKS BY THE SPEAKER

Speaker O'Brien: "It is my pleasure to give you, Lieutenant Governor Pritchard, the gavel to preside over this Joint Session. It is a great pleasure to have you here."

The Secretary of the Senate called the roll of the Senate and all members were present, except Senators DeJarnatt and Hansen, who were excused.

The Clerk of the House called the roll of the House and all members were present except Representative Gallagher, who was excused.

The President of the Senate appointed Senators Saling, Nelson and McMullen and Representatives Haugen, Zellinsky and Prince as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort the Governor and His Excellency, Premier William Vander Zalm from the Governor's Chambers to seats on the Rostrum of the House.

The President of the Senate introduced Governor Booth Gardner.

#### INTRODUCTION OF SPECIAL GUEST

Governor Gardner: "It is my honor and opportunity to introduce to all of you today the Premier of British Columbia, William Vander Zalm. About a year ago we met on an informal basis and agreed, despite the fact that there is a national border between us, that, in fact, the Province of British Columbia and the state of Washington have a great deal in common, and we should begin to take advantage of the commonality and work, both on a formal and informal basis, to strengthen the relationship between the two of us.

"We began with a visit that I took to Victoria last April. We started an arrangement on economic cooperation, which dealt with the issues of tourism, trade and investment and began, at that time, to work closely together on those issues. We have since worked further and have signed, this morning, an arrangement on energy, with which we will track energy trends, talk about energy trade and figure out how we can work more closely on issues of that nature. We also have working, between the Province of British Columbia and the state of Washington, a group of people who are dealing with environmental issues, so that we can respond in coordination with one another to any circumstances or disasters which may occur that affect the people of our two communities. We will, in June on a visit that I will take to British Columbia, sign an arrangement on environmental cooperation.

"The Premier is here to discuss this and other issues with us, and I would like to brief you on his background. Bill Vander Zalm is a native of Europe and immigrated to Canada at the age of twelve. His family was in the nursery business, and he and his sons developed a facility called Fantasy Garden World in Richmond, British Columbia, which is one of the premier tourist attractions in that province. It is a major tourist attraction through which many of you have passed, because it is just off the main highway as we travel north. He got involved in local government with the Surrey Municipal Council and became an alderman and, subsequently, mayor. In 1975, he was elected to the Provincial Legislature, and in 1986, he became Premier of British Columbia. It is my pleasure and honor to introduce to you the Premier of British Columbia, William Vander Zalm."

#### REMARKS BY PREMIER WILLIAM VANDER ZALM

Premier Vander Zalm: "Governor Gardner, Mr. President, Mr. Speaker, members of the House and Senate of Washington: I am delighted to be here in, this, the year that marks the one-hundredth anniversary of Washington statehood. I should begin by saying, as well, that I didn't ask the Governor to give the little commercial at the beginning with the introduction. I think I should state that for the British Columbia media. I was not aware that it was coming, but I thank you, Mr. Governor.

"All British Columbians, I know, join me in saluting the achievements and progress that have made this proud state of Washington one of the greatest favored regions, both in terms of economic growth and livability, in the United States. I would be remiss, if I neglected to note the other historic event of 1989--the beginning of a great, new era of trade between Canada and the United States--as a result of the passage of the Free Trade Act. The result for both our nations will be increased trade, increased development, and increased security for our people. This historic agreement offers challenges and opportunities in many areas where cooperation is possible. Working together, taking advantage of the new avenues offered to us by the agreement, we can raise the level of prosperity on both sides of our borders to new heights.

"We have made a good beginning. On January 4, Washington and British Columbia signed an economic cooperation agreement, inaugurating the Pacific Northwest Economic Partnership. This agreement is designed to identify, communicate and implement trade opportunities between British Columbia and Washington State. In two meetings, to date, the joint committee, established under the agreement, has identified aerospace, aquaculture, apparel, biotechnology, general manufacturing, the computer industry, and ocean industry as priority areas for possible joint activity. In addition, a Pacific Northwest Economic Partnership newsletter has been created to communicate trade and business opportunities to companies and businesses in both Washington State and British Columbia. To access and to share data bases, companies on both sides of the border will be able to conduct accurate market research. It will spell out such valuable demographic information as populations, plants, distributors and agents, and prospects for new customers.

"Such progress is extremely encouraging, and I am pleased to announce that earlier today, as the Governor has already stated, the Governor and I signed yet another agreement, this one involving energy. It is aimed at improving our information exchange, cooperation and encouraging mutual, beneficial trade. Implicit in this agreement is that, while we welcome such trade, it must perfect and enhance the quality of the environment in the Pacific Northwest. As Premier of British Columbia, I am also enthusiastic about expanding our joint and cooperative efforts to improve and broaden environmental management. We have much to learn from each other in terms of waste removal and the movements of dangerous goods, to name only two areas of mutual concern. Two recent environmental events, the Grays Harbor and Exxon Valdez oil spills, have demonstrated clearly that, in such instances, national boundaries are meaningless. Ecological disasters, such as major oil spills, do not respect the lines on maps, but define our jurisdictions here in the Pacific Northwest. Without real cooperation, without meaningful, joint strategies to deal with disasters, we, like the helpless wildlife victimized by oil spills, will sink together, rather than swim. In recognition of this fact, I am pleased that Washington and British Columbia have taken the first steps to deal with this kind of threat to our shared environment. Following the Grays Harbor spill, we established an Oil Spill Task Force to seek ways to improve our cooperation and means of handling such spills. Our goal must be not only to ensure that the risk of repetition is reduced, but also, should a disaster strike again, that our joint capacity to act is swift and sure. We have encouraged our northern and southern neighbors, Alaska, Oregon and California, to join us in this project, for, as is clear today, we are all vulnerable.

"Both Washington and British Columbia are rich in natural resources; our forestry, fishing, agricultural and mining industries are the backbones of our economies. Both of us, though, are also very much at the forefront of the rapidly changing world economy. Riding the new waves of knowledge-based industries, your strengths in aerospace and computers are well known. British Columbia and Washington have a mutual interest in economic diversification and in training our workforce to meet the future needs of society and moving to more knowledge-based industries. In British Columbia, we are proud of our virgining subsea engineering and information technology industries. In basic science, too, we are enthusiastic about initiatives for advanced experimentation in subatomic physics. These projects are some of the world's most exciting and promising scientific initiatives. On any given day, four hundred scientists from as many as twenty-six nations,

including imminent scientists from here in Washington, are working to unlock the secrets of particle physics and to throw open the door to a whole new frontier of scientific discovery. The potential benefits are immense, like painless picture-taking inside the living brain and new technologies in cancer treatment. The projects will put us at the forefront of research into brain disorders, like Parkinson's disease and Alzheimer's. In the field of high temperature superconductors, the project offers the promise of developments like super-fast computers and three hundred miles per hour trains. We can visualize enormous savings in electricity bills, because electricity will move without line loss due to resistance. Other medical and economic benefits are likely in a range that scientists themselves have yet still to fully assess.

"Progress, such as this, offers opportunities for even closer cooperation between us. Ladies and gentlemen, British Columbians look on the people of Washington State as great neighbors in the best sense of the word. Our relationship has stood the test of time, because we have so much in common. Bound together by geography and a shared love and respect for the natural beauty and economic potential of the Pacific Northwest, we can accomplish much together. I know many of my compatriots will take the opportunity to visit Washington to share in your centennial year celebrations. In turn, I hope many Washingtonians will reciprocate by visiting British Columbia, and in particular, the Air Show Canada set for August 9-13. Let me assure you in advance of a very warm welcome. We always appreciate visiting Washington State, and I thank you for the opportunity today. Let us from here continue to go forward as good neighbors, willing to work together to reach our common goals. Thank you."

The President of the Senate instructed the special committee to escort Governor Gardner and Premier Vander Zalm from the House Chamber.

#### MOTION

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

The President of the Senate returned the gavel to the Speaker (Representative O'Brien presiding).

The Speaker (Representative O'Brien presiding) instructed the Sergeants at Arms of the House and the Senate to escort President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner, Democratic Leader Larry Vognild and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 1:24 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5022,

SUBSTITUTE SENATE BILL NO. 5142,

SENATE BILL NO. 5231,

SENATE BILL NO. 5676, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2075, by Representatives Cantwell, S. Wilson, Wood, Walk, Heavey, Prince, K. Wilson, Sprengle, Ferguson, Nelson and Spanel

Permitting local governments to have a twenty-four hour headlight policy.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 2075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2075.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2075 and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent, 5; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Matson, Rasmussen - 2.

Absent: Senators Barr, Fleming, Lee, Madsen, Smitherman - 5.

Excused: Senators DeJarnatt, Hansen - 2.

ENGROSSED HOUSE BILL NO. 2075, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Bender, Senators Fleming and Madsen were excused.

On motion of Senator Anderson, Senator Barr was excused.

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1802, by Representatives P. King and Scott

Creating a new court of appeals position for Snohomish county.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1802 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1802.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1802 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Metcalf - 1.

Excused: Senators Barr, DeJarnatt, Fleming, Hansen, Madsen - 5.

ENGROSSED HOUSE BILL NO. 1802, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864, by Committee on Health Care (originally sponsored by Representatives Day, Brooks, Braddock, D. Sommers, R. Meyers, Sprengle, Cantwell, Morris, Scott, Wolfe, Vekich, Patrick, Chandler, Crane, Winsley, Dellwo, Brough, Wineberry, P. King, S. Wilson, Bowman, Kremen, Dorn, Schoon, Van Luven, Wood, R. King, Cooper, Doty, Todd, McLean and O'Brien)

Concerning quality of care in nursing homes.

The bill was read the second time.

## MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 117, Laws of 1951 as last amended by section 4, chapter 284, Laws of 1985 and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. The department shall conduct, without charge to the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.

For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. Section 41, chapter 177, Laws of 1980 as last amended by section 3, chapter 175, Laws of 1986 and RCW 74.46.410 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and other associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(l) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods.

Sec. 3. Section 12, chapter 476, Laws of 1987 and RCW 18.51.430 are each amended to read as follows:

A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

- (1) Is the owner, licensee, or administrator of the facility;
- (2) Is affiliated with the facility;

(3) Has a financial interest in the facility at the time the receiver is appointed; or

(4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

Sec. 4. Section 19, chapter 476, Laws of 1987 and RCW 18.51.500 are each amended to read as follows:

Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. ~~((If such funds are not fully recovered at the termination of the receivership.))~~ An action to recover such sums may be filed by the department against the former licensee or owner at the time the expenditure is made, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not.

In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

Sec. 5. Section 24, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.240 are each amended to read as follows:

(1) No staff member may administer any medication to a resident unless the staff member is licensed to administer medication: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter 18.88 or 18.78 RCW and rules adopted thereunder.

(2) The facility may only allow a resident to give himself or herself medication with the attending physician's permission.

(3) Medication shall only be administered to or used by the resident for whom it is ordered.

Sec. 6. Section 38, chapter 211, Laws of 1979 ex. sess. as amended by section 2, chapter 284, Laws of 1985 and RCW 74.42.380 are each amended to read as follows:

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses ~~((and student nurses under the supervision of their clinical instructor.))~~ or student nurses from administering medications when permitted to do so under chapters 18.88 or 18.78 RCW and rules promulgated pursuant thereto: PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules promulgated pursuant thereto; and

(c) Insuring that the licensed practical nurses comply with chapter 18.78 RCW, the registered nurses comply with chapter 18.88 RCW, and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules promulgated pursuant thereto.

Sec. 7. Section 1, chapter 284, Laws of 1985 and RCW 18.51.054 are each amended to read as follows:

The department may deny a license to any applicant ~~((who))~~ if the department finds that the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant:

(1) Operated a nursing home without a license or under a revoked or suspended license;

or  
(2) Knowingly or with reason to know made a false statement of a material fact (a) in an application for license or any data attached thereto, or (b) in any matter under investigation by the department; or

(3) Refused to allow representatives or agents of the department to inspect (a) all books, records, and files required to be maintained or (b) any portion of the premises of the nursing home; or

(4) Willfully prevented, interfered with, or attempted to impede in any way (a) the work of any authorized representative of the department or (b) the lawful enforcement of any provision of this chapter or chapter 74.42 RCW; or

(5) Has a history of significant noncompliance with federal or state regulations in providing nursing home care. In deciding whether to deny a license under this section, the factors the department considers shall include the gravity and frequency of the noncompliance.

Sec. 8. Section 7, chapter 117, Laws of 1951 as last amended by section 23, chapter 476, Laws of 1987 and RCW 18.51.060 are each amended to read as follows:

(1) ((The department is authorized to deny, suspend, or revoke a license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed three thousand dollars per violation)) In any case in which ((#)) the department finds that ((the applicant or) a licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee((:

((#)) failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established under them((:)) or, in the case of a Medicaid contractor, failed or refused to comply with the Medicaid requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, the department may take any or all of the following actions:

(a) Suspend, revoke, or refuse to renew a license;

(b) Order stop placement;

(c) Assess monetary penalties of a civil nature;

(d) Deny payment to a nursing home for any Medicaid resident admitted after notice to deny payment. Residents who are Medicaid recipients shall not be responsible for payment when the department takes action under this subsection;

(e) Appoint temporary management as provided in subsection (7) of this section.

(2) The department may suspend, revoke, or refuse to renew a license, assess monetary penalties of a civil nature, or both, in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

((#)) (a) Operated a nursing home without a license or under a revoked or suspended license; or

((c) Has) (b) Knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

((#)) (c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or

((e)) (d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or

((#)) (e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations adopted under them; or

((#)) (f) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or

((#)) (g) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final((: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients:

(2) A contractor subject to civil penalty under subsection (1)(a) of this section shall have a reasonable opportunity, not to exceed sixty days from notification of the violation, to correct the violation before being assessed a civil monetary penalty under this section. However, if the department determines that the violation resulted in serious harm to or death of a patient, constitutes a serious threat to patient life, health, or safety, or substantially limits the nursing home's capacity to render adequate care, the violator shall be so notified and a penalty may be assessed without prior opportunity to correct. Each day the violation continues may constitute a separate violation subject to assessment of a separate penalty.

The correction of a standard or condition level deficiency, as defined by the authority of Title XVIII of the social security act and 42 C.F.R. 465-110 subpart K, shall be maintained for a period of at least one year. Failure to maintain such correction shall constitute a separate violation for each day the deficiency is not corrected and may be subject to the assessment of a separate penalty not to exceed three thousand dollars without a prior opportunity to correct the violation.

(3) A person subject to civil penalty under subsection (1)(b) through (h) of this section shall not have a prior opportunity to correct the violation before being assessed a civil monetary penalty under this section.



Following the notification of a violation of subsection (1)(b) through (h) of this section, each day upon which the same or a substantially similar action occurs shall constitute a separate violation subject to the assessment of a separate penalty:

(4) Any civil penalty assessed under this section or chapter 74.46 RCW shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil fines under this section or chapter 74.46 RCW by:

(a) Requiring payment in full; or

(b) Permitting installment payments; or

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve nonadministrative services within the facility; or

(d) Defer the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action: PROVIDED, That the penalty may be reduced all or in part at the end of such year: PROVIDED FURTHER, That the penalty may be trebled if such corrective action is not maintained for one year)).

((5)) (3) The department shall deny payment to a nursing home having a Medicaid contract with respect to any Medicaid-eligible individual admitted to the nursing home when:

(a) The department finds the nursing home not in compliance with the requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, and the facility has not complied with such requirements within three months; in such case, the department shall deny payment until correction has been achieved; or

(b) The department finds on three consecutive standard surveys that the nursing home provided substandard quality of care; in such case, the department shall deny payment for new admissions until the facility has demonstrated to the satisfaction of the department that it is in compliance with Medicaid requirements and that it will remain in compliance with such requirements.

(4) (a) Civil penalties collected under this section or under chapter 74.42 RCW shall be deposited into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day a nursing home is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per violation. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(c) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

(5)(a) The department shall order stop placement on a nursing home, effective upon oral or written notice, when the department determines:

(i) The nursing home no longer substantially meets the requirements of chapter 18.51 RCW, chapter 74.42 RCW, or in the case of Medicaid contractors, the requirements of Title XIX of the social security act, as amended, and any regulations promulgated under such statutes; and

(ii) The deficiency or deficiencies in the nursing home:

(A) Jeopardize the health and safety of the residents, or

(B) Seriously limit the nursing home's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the department may approve a readmission to the nursing home from a hospital when the department determines the readmission would be in the best interest of the individual seeking readmission.

(c) The department shall terminate the stop placement when:

(i) The provider states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(ii) The department staff confirms in a timely fashion not to exceed fifteen working days that:

(A) The deficiencies necessitating stop placement action have been corrected, and

(B) The provider exhibits the capacity to maintain adequate care and service.

(d) A nursing home provider shall have the right to an informal review to present written evidence to refute the deficiencies cited as the basis for the stop placement. A request for an informal review must be made in writing within ten days of the effective date of the stop placement.

(e) A stop placement shall not be delayed or suspended because the nursing home requests a hearing pursuant to chapter 34.05 RCW or an informal review. The stop placement shall remain in effect until:

(i) The department terminates the stop placement; or

(ii) The stop placement is terminated by a final agency order, after a hearing, pursuant to chapter 34.05 RCW.

(6) If the department determines that an emergency exists as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a Medicaid contractor, its failure or refusal to comply with Medicaid requirements of Title XIX of the social

security act, as amended, and rules adopted thereunder, the department may suspend the nursing home's license and order the immediate closure of the nursing home, the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of residents is immediately jeopardized as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a medicare contractor, its failure or refusal to comply with medicare requirements of Title XIX of the social security act, as amended, and rules adopted thereunder, the department may appoint temporary management to:

(a) Oversee the operation of the facility; and

(b) Ensure the health and safety of the facilities residents while:

(i) Orderly closure of the facility occurs; or

(ii) The deficiencies necessitating temporary management are corrected.

(8) The department shall by rule specify criteria as to when and how the sanctions specified in this section shall be applied. Such criteria shall provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of the residents.

Sec. 9. Section 16, chapter 99, Laws of 1975 1st ex. sess. as amended by section 19, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.065 are each amended to read as follows:

(1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension, shall be effective immediately upon notice. Orders of the department imposing denial of payment shall become final twenty days after the same has been served, unless a hearing is requested, except that such orders shall be effective immediately upon notice and pending any hearing when the department determines the deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter ((34-04)) 34.05 RCW, except that all orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension shall be effective pending any hearing, and except that chapter 34.05 RCW shall have no application to receivership, which is instituted by direct petition to superior court as provided for in RCW 18.51.410 through 18.51.520.

Sec. 10. Section 10, chapter 476, Laws of 1987 and RCW 18.51.410 are each amended to read as follows:

A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to immediately correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: PROVIDED, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this ((section)) subsection;

(3) ((An emergency exists that specifically demonstrates an immediate and serious threat of harm to)) The health, ((security)) safety, or welfare of the facility's residents((,-including, but not limited to, abandonment of the facility by the owner)) is immediately jeopardized;

(4) ((A condition exists in the facility in violation of a licensing statute or regulation that specifically demonstrates an immediate and serious threat of harm to the health, safety, or welfare of the residents of the facility;

((5)) The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW((,-or other statutes or regulations adopted by the department designed to safeguard the health, security, or welfare of residents)) and rules adopted thereunder such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or .

((6)) (5) The facility demonstrates a pattern and practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of the evidence, that one or more of the conditions listed in subsections (1) through (6) of this section exists and, subject to RCW 18.51.420, that the current operator is unable or unwilling to take actions necessary to immediately correct the conditions.

Sec. 11. Section 13, chapter 476, Laws of 1987 and RCW 18.51.440 are each amended to read as follows:

Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under RCW 18.51.410 through 18.51.530, the posting of a certified copy of

the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

~~((In considering the petition, the court shall consider the following factors, among others:~~

~~(1) The history of the provider, including any prior history of deficiencies and corrective action taken; and~~

~~(2) Whether the circumstances alleged in the petition occurred for reasons that were beyond the control of the facility's current or former operator, licensee, or owner.))~~

Sec. 12. Section 15, chapter 476, Laws of 1987 and RCW 18.51.460 are each amended to read as follows:

(1) The receivership shall terminate:

~~((1) At the end of the appointed term;~~

~~(2)) (a) When all deficiencies have been eliminated and the court determines that the facility has the management capability to ensure continued compliance with all requirements; or~~

~~(b) When all residents have been transferred and the facility closed.((~~

~~(3) When all deficiencies have been eliminated and the facility has been sold or returned to its former owner. PROVIDED, That when a rehabilitated facility is returned to its former owner, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and other applicable laws and regulations; or~~

~~(4) Upon possession and control of the nursing home by a licensed replacement operator.))~~

~~(2) Upon the termination of a receivership, the court may impose conditions to assure the continued compliance with chapter 18.51 RCW, chapter 74.42 RCW, and, in the case of medic-aid contractors, continued compliance with Title XIX of the social security act, as amended, and regulations promulgated thereunder.~~

Sec. 13. Section 58, chapter 211, Laws of 1979 ex. sess. as last amended by section 27, chapter 476, Laws of 1987 and RCW 74.42.580 are each amended to read as follows:

The department may deny, suspend, ~~((or))~~ ~~revoke, or refuse to renew~~ a license or provisional license ~~((or, in lieu thereof or in addition thereto)),~~ assess monetary penalties of a civil nature, ~~deny payment, seek receivership, order stop placement, appoint temporary management, order emergency closure, or order emergency transfer~~ as provided in RCW 18.51.054 and 18.51.060 for violations of requirements of this chapter ~~or, in the case of medic-aid contractors, the requirements of Title XIX of the social security act, as amended, or rules adopted thereunder.~~ Chapter ~~((34.04))~~ 34.05 RCW shall apply to any such actions, ~~except for receivership, and except that stop placement, appointment of temporary management, emergency closure, emergency transfer, and summary license suspension shall be effective pending any hearing, and except that denial of payment shall be effective pending any hearing when the department determines deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care.~~

Sec. 14. Section 36, chapter 177, Laws of 1980 as last amended by section 1, chapter 208, Laws of 1988 and by section 1, chapter 221, Laws of 1988 and RCW 74.46.360 are each reenacted and amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value

of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to ~~((August 1))~~ July 18, 1984, and submitted to the department prior to January 1, 1988, the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure.

(c) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1) (e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 15. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 44, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital. The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

All other services and supplies provided under the program shall be secured by contract.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

Sec. 16. Section 44, chapter 177, Laws of 1980 and RCW 74.46.440 are each amended to read as follows:

Only those services which are authorized for a facility pursuant to the medical care program shall be reimbursed under this chapter. Services provided by institutions for mental diseases shall not be reimbursed under this chapter.

Sec. 17. Section 2, chapter 177, Laws of 1980 as last amended by section 6, chapter 476, Laws of 1987 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or  
(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any

transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(H) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(40) "Secretary" means the secretary of the department of social and health services.

(41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

(42) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

NEW SECTION. Sec. 18. The department, in cooperation with the state's area agencies on aging, shall prepare printed information regarding the availability of long-term care services in the state. The department shall distribute the information to the state's nursing homes and work with professional organizations representing physicians to encourage distribution of the information to patients in need of long-term care services. Nursing homes shall make the information available prior to accepting new residents for admission.

The information shall include current long-term care services options, including community based and residential services, in an easily understandable manner explaining the nature of the services and other information necessary to allow individuals to assess what services might be appropriate given their functional limitations. The information shall also contain phone numbers and addresses of private and public resources available to assist individuals and their families in assessing the service needs of the individual so that they may make informed decisions about choosing long-term care services.

NEW SECTION. Sec. 19. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1864 was deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1794, by Representatives H. Sommers, Schoon and Bristow (by request of State Treasurer)

Modifying the state's ability to enter into contracts for the purchase of real or personal property.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 1794 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1794.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1794 and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Matson, McCaslin, Stratton - 3.

Absent: Senators Pullen, Smith - 2.

Excused: Senators Barr, DeJarnatt, Hansen, Madsen - 4.

ENGROSSED HOUSE BILL NO. 1794, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1759, by Committee on Appropriations (originally sponsored by Representatives Peery, Betrozoff, Crane and Winsley)

Creating the educational staff diversification act.

The bill was read the second time.

## MOTIONS

On motion of Senator Bailey, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education and the state board for community college education, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall work cooperatively to develop by September 1, 1992, a ninety unit educational paraprofessional associate of arts degree.

(2) As used in this section, an "educational paraprofessional" is an individual who has completed an associate of arts degree for an educational paraprofessional. The educational paraprofessional may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The educational paraprofessional shall work under the direction of instructional certificated staff.

(3) The training program for an educational paraprofessional associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to handicapped children, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) In developing the program, consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.



(5) The agencies identified under subsection (1) of this section shall adopt rules as necessary under chapter 34.05 RCW to implement this section."

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "staff:" strike the remainder of the title and insert "and adding a new section to chapter 28A.04 RCW."

#### MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1759, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Vognild: "Senator Bailey, is there anything in this measure or any intent within this measure, that a classroom assistant might be used in lieu of a certificated teacher in any classroom?"

Senator Bailey: "Senator Vognild, there's nothing in Substitute House Bill No. 1759 that would allow a classroom assistant to take over for a certified teacher. It is not the intent of this bill to do that either."

Senator Vognild: "Thank you, Senator Bailey."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Bailey, my concern is somewhat similar to Senator Vognild's. The language of the bill provides for a definition of educational paraprofessional as one who would be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. It also says that the educational paraprofessional shall work under the direction of instructional certificated staff. By that definition of educational paraprofessional, is it intended that this person be under the direct and constant supervision of a certificated teacher at all times and would not supplant the teacher for purposes of instruction of children."

Senator Bailey: "That is correct."

Senator Talmadge: "Thank you, Senator Bailey."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1759, as amended by the Senate.

#### MOTION

On motion of Senator Anderson, Senators Pullen and Smith were excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1759, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Barr, DeJarnatt, Hansen, Pullen, Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1759, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2051, by Representative Locke

Minimizing the involuntary displacement of tenants in federally assisted housing.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 2051 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2051.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2051 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Benitz, McCaslin, Newhouse - 3.

Excused: Senators Barr, DeJarnatt, Hansen - 3.

ENGROSSED HOUSE BILL NO. 2051, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1104, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Van Luven, Rust, Brekke and Phillips) (by request of Department of Ecology)

Revising provisions for motor vehicle inspection and maintenance.

The bill was read the second time.

## MOTIONS

Senator West moved that the following Committee on Health Care and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 111, chapter 7, Laws of 1985 and RCW 46.16.015 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under chapter 70.120 RCW ((70.120.040)), for any year in which the vehicle is required to be tested under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance ((issued pursuant to RCW 70.120.060 or 70.120.080)) or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW ((70.120.070)); or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles ((fifteen years old or older)) with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) Motor vehicles powered by diesel engines;

(g) Farm vehicles as defined in RCW 46.04.181;

(h) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

(i) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

NEW SECTION. Sec. 2. VEHICLE EMISSION STANDARDS--DESIGNATION OF NONCOMPLIANCE AREAS AND EMISSION CONTRIBUTING AREAS. The director:

(1) Shall adopt motor vehicle emission standards to ensure that no less than seventy percent of the vehicles tested comply with the standards.

(2) Shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if (a) the department's analysis of the data, recorded for a period of no less than one year, at the monitoring sites indicates that the standard has or will probably be exceeded, and (b) the department determines that the primary source of the contaminant being monitored at the sites is motor vehicle emissions.

(3) Shall reevaluate noncompliance areas if the United States environmental protection agency modifies the relevant air quality standards, and shall discontinue the program if compliance is indicated and if the department determines that the area would continue to be in compliance after the program is discontinued. The director shall notify persons residing in noncompliance areas of the reevaluation.

(4) Shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area within whose boundaries are present registered motor vehicles that contribute significantly to the violation of motor vehicle-related air quality standards in the noncompliance area. The director shall declare the area to be an "emission contributing area." An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries. An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if it can be proven that vehicles registered in the area contribute significantly to violations of the ozone air quality standard in the noncompliance area. An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if (a) the United States environmental protection agency designates an area to be a "nonattainment area for ozone" under the provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.), (b) the nonattainment area encompasses portions of both Washington and the adjacent state, and (c) it can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's portion of the nonattainment area.

(5) Shall designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas by rule. The director may also modify boundaries. In establishing the external boundaries of an emission contributing area, the director shall use the boundaries established for ZIP code service areas by the United States postal service.

(6) May make grants to units of government in support of planning efforts to reduce motor vehicle emissions in areas where emission control inspections are not required.

NEW SECTION. Sec. 3. NONCOMPLIANCE AREAS--ANNUAL REVIEW. (1) The director shall review annually the air quality and forecasted air quality of each area in the state designated as a noncompliance area for motor vehicle emissions.

(2) An area shall no longer be designated as a noncompliance area if the director determines that:

(a) Air quality standards for contaminants derived from motor vehicle emissions are no longer being violated in the noncompliance area; and

(b) The standards would not be violated if the emission inspection system in the emission contributing area was discontinued and the requirements of RCW 46.16.015 no longer applied.

NEW SECTION. Sec. 4. MOTOR VEHICLE INSPECTIONS REQUIRED--FEES--RESULTS--CERTIFICATE OF COMPLIANCE. (1) The department shall administer a system for biennial inspection of emissions of all motor vehicles registered within the boundaries of each emission contributing area. Persons residing within the boundaries of an emission contributing area shall register their motor vehicle within that area, unless business reasons require registration outside the area. Requests for exemption from inspection for business reasons shall be reviewed and approved by the director.

(2) The director shall:

(a) Adopt procedures for conducting emission tests for motor vehicles. The tests shall include idle and high revolution per minute tests.

(b) Adopt criteria for calibrating emission testing equipment. Electronic equipment used to test for emissions standards provided for in this chapter shall be properly calibrated. The department shall examine frequently the calibration of the emission testing equipment used at the stations.

(c) Authorize, through contracts, the establishment and operation of inspection stations for conducting the vehicle emission tests authorized in this chapter. No person contracted to inspect motor vehicles may perform for compensation repairs on any vehicles. No public body may establish or operate contracted inspection stations. Any contracts must be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(3) Subsection (2)(c) of this section does not apply to volunteer motor vehicle inspections under RCW 70.120.020(1)(a) if the inspections are conducted for the following purposes:

- (a) Auditing;
- (b) Contractor evaluation;
- (c) Collection of data for establishing calibration and performance standards; or
- (d) Public information and education.

(4)(a) The director shall establish by rule the fee to be charged for emission inspections. The inspection fee shall be a standard fee applicable state-wide or throughout an emission contributing area and shall be no greater than eighteen dollars. Surplus moneys collected from fees over the amount due the contractor shall be paid to the state and deposited in the general fund. Fees shall be set at the minimum whole dollar amount required to (i) compensate the contractor, and (ii) offset the general fund appropriation to the department to cover the administrative costs of the motor vehicle emission inspection program.

(b) Before each inspection, a person whose motor vehicle is to be inspected shall pay to the inspection station the fee established under this section. The person whose motor vehicle is inspected shall receive the results of the inspection test. If the inspected vehicle's emissions comply with the standards established by the director, the person shall receive a dated certificate of compliance. If the inspected vehicle's emissions do not comply with those standards, one retest of the vehicle's emission shall be afforded without charge.

(5) All units of local government and agencies of the state with motor vehicles garaged or regularly operated in an emissions contributing area shall test the emissions of those vehicles biennially to ensure that the vehicle's emissions comply with the emission standards established by the director. A report of the results of the tests shall be submitted to the department.

Sec. 5. Section 2, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.020 are each amended to read as follows:

(1) The department shall conduct the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:

(a) A voluntary motor vehicle emissions inspection program;

(b) A public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission; and

(c) A public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.

(2)(a) The department, the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices. The director may establish and implement procedures for granting certification to persons who successfully complete other training programs or who have received certification from private organizations which meet the requirements established in this subsection.

(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.

Sec. 6. Section 7, chapter 163, Laws of 1979 ex. sess. as amended by section 4, chapter 176, Laws of 1980 and RCW 70.120.070 are each amended to read as follows:

(1) Any person:

((1)) (a) Whose motor vehicle is tested pursuant to ((RCW 70.120.060)) this chapter and fails to comply with the emission standards established for the vehicle; and

((2)) (b) Who, following such a test, expends more than fifty dollars on a 1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year motor vehicle for repairs ((and/or parts)) solely devoted to meeting the emission standards and that are performed by a certified emission specialist authorized by RCW 70.120.020(2)(a); and

((3)) (c) Whose vehicle ((is inspected again but again)) fails a retest, may be issued a certificate of acceptance if (i) the vehicle has been in use for more than five years or fifty thousand miles, and (ii) any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

(d) To receive the certificate, the person must document ~~((the expenditure and the purpose of the expenditure))~~ compliance with (b) and (c) of this subsection to the satisfaction of the department.

(2) Persons who fail the initial tests shall be provided with information regarding the availability of federal warranties and certified emission specialists.

Sec. 7. Section 12, chapter 163, Laws 1979 ex. sess. as amended by section 131, chapter 7, Laws of 1985 and RCW 70.120.110 are each amended to read as follows:

(1)(a) Certificates of compliance and acceptance constitute official forms. False statements made thereon or made to secure such certificates are punishable pursuant to RCW 9A.72.040 and the certificates shall bear notice to that effect.

(b) Certificates of compliance and certificates of acceptance may be issued only in the manner authorized by ~~((RCW 70.120.060, 70.120.070, and 70.120.080))~~ this chapter.

(2) A person who avoids inspection requirements as provided for in section 4(1) of this act is subject to a civil penalty not to exceed one hundred dollars.

Sec. 8. Section 13, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.120 are each amended to read as follows:

The director ~~((of the department of ecology))~~ shall adopt rules implementing and enforcing this chapter and RCW ~~((70.120.010 through 70.120.100;))~~ 46.16.015(2)(g) ~~((and 70.120.110))~~ in accordance with chapter ~~((34.04))~~ 34.05 RCW. Notwithstanding the provisions of chapter ~~((34.04))~~ 34.05 RCW, any rule implementing and enforcing ~~((RCW 70.120.010 through 70.120.100; 46.16.015(2)(g); and 70.120.110))~~ section 2(5) of this act may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval. The standing committees shall take into account when considering proposed modifications of emission contributing boundaries, as provided for in section 2(5) of this act, alternative plans for traffic rerouting and traffic bans that may have been prepared by local municipal corporations for the purpose of satisfying federal emission guidelines.

NEW SECTION. Sec. 9. EXPIRATION DATE. This chapter expires January 1, 1993, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 10. DEPARTMENT STUDIES. (1) The department shall identify expected carbon monoxide emission trends over the next five years after the effective date of this act without the motor vehicle emission program and report to the appropriate standing committees of the legislature by January 1, 1991.

(2) The department shall examine available testing data to determine vehicle subpopulations and incremental emission increases associated with subpopulations failing the emission test. This information shall be reported to the appropriate standing committees of the legislature by January 1, 1992.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of law.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 163, Laws of 1979 ex. sess., section 130, chapter 7, Laws of 1985 and RCW 70.120.030;

(2) Section 4, chapter 163, Laws of 1979 ex. sess., section 2, chapter 176, Laws of 1980 and RCW 70.120.040;

(3) Section 5, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.050;

(4) Section 6, chapter 163, Laws of 1979 ex. sess., section 3, chapter 176, Laws of 1980 and RCW 70.120.060; and

(5) Section 17, chapter 163, Laws of 1979 ex. sess. (uncodified).

NEW SECTION. Sec. 13. Sections 2 through 4 and 9 of this act are added to chapter 70.120 RCW.

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990.\*

Senator McCaslin moved that the following amendment to the Committee on Health Care and Corrections amendment be adopted:

On page 2, line 11, strike ~~((fifteen years old or older))~~ with a model year of 1967 or earlier" and insert "fifteen years old or older"

#### POINT OF INQUIRY

Senator Bender: "My concern, Senator West, and having dealt with this issue a long time ago in the Transportation Committee, whether or not that amendment to the committee amendment might jeopardize any federal funding?"

Senator West: "It could, possibly. The federal programs don't say the specific years that we would have to test, but what they say is that we have to reach a certain target for emission controls and those targets can be arrived at in many fashions. For instance, we have proposed going to a bi-annual inspection versus the annual inspection. To loosen up the standards like that, we need to get tougher in another area and so this is a balanced approach and that could endanger the approach."

Further debate ensued.

#### POINT OF INQUIRY

Senator Thorsness asked Senator West or Senator Nelson to yield to a question, but the President Pro Tempore replied that the three minute rule was in effect. Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Fleming: "A parliamentary inquiry, Mr. President. I'd like to inquire on the ruling that was given, so that I can understand. I knew when Senator Thorsness wanted to yield his time for a question or whatever, that that would have been out of order, but you are saying now that if someone has spoken once, that I cannot ask that individual a question? It seems to me, Mr. President, that I'd like to ask someone on the floor that's not trying to circumvent the three minute ruling, who has knowledge of the issue. I don't want to ask somebody who doesn't know what they're talking about."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Fleming, on past precedents, someone may respond very briefly to a question, but not go through the procedure of yielding and asking a question for the benefit of that person to get extra time on the floor."

Further debate on the amendment to the committee amendment ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McCaslin on page 2, line 11, to the Committee on Health Care and Corrections striking amendment to Engrossed Substitute House Bill No. 1104.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Craswell, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, Warnke, West, Williams - 28.

Voting nay: Senators Bender, Bluechel, Conner, Fleming, Gaspard, Kreidler, Lee, McMullen, Metcalf, Moore, Murray, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, Wojahn - 19.

Excused: Senators DeJarnatt, Hansen - 2.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator West served notice that he would moved to reconsider the vote by which the amendment by Senator McCaslin on page 2, line 11, to the Committee on Health Care and Correction amendment, was adopted.

#### POINT OF ORDER

Senator West: "Mr. President, a point of order. Rule 64 requires amendments to be written on the bar and delivered to members' desks. The amendment that we just heard and voted on was not written."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator West, your objection is not timely. If you had raised that at the time the motion was placed, but the body has already acted on the motion."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1104 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 1502, by Representatives Walk and Schmidt (by request of Department of Transportation)

Adjusting vehicle permit fees.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 1, line 9, after "collected" insert "except the amount retained by authorized agents of the department as provided in RCW 46.44.096."

MOTIONS

Senator von Reichbauer moved that the following amendment by Senators von Reichbauer and Bender be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 351, Laws of 1985 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ ((5-99))
	<u>10.00</u>
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days	\$ 10.00
Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year	\$100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year	\$100.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days	\$ 50.00
Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year	\$150.00
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities, for any three-month period	\$ 10.00
(2) Farmers in the course of farming activities, for a period not to exceed one year	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period	\$ 25.00
(4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year	\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$ .05
6,000-11,999 pounds	\$ .10
12,000-17,999 pounds	\$ .15
18,000-23,999 pounds	\$ .25
24,000-29,999 pounds	\$ .35
30,000-35,999 pounds	\$ .45
36,000-41,999 pounds	\$ .60
42,000-47,999 pounds	\$ .75
48,000-53,999 pounds	\$ .90

54,000-59,999 pounds .....	\$	1.05
60,000-65,999 pounds .....	\$	1.20
66,000-71,999 pounds .....	\$	1.45
72,000-79,999 pounds .....	\$	1.70
80,000 pounds or more .....	\$	2.00

PROVIDED: (1) The minimum fee for any overweight permit shall be ~~\$(5.00)~~ 10.00. (2) the fee for issuance of a duplicate permit shall be ~~\$(5.00)~~ 10.00. (3) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 2. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 63, Laws of 1981 and RCW 46.44.092 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655.

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

((4)) (5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 3. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1988 and RCW 46.44.095 are each amended to read as follows:

When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axles of a two-axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed thirty dollars per



thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of ~~(five)~~ ten dollars shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at ~~(one)~~ two dollars per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

When computing fees that result in an amount other than full dollars, the fee shall be increased to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. The minimum fee for any prorated tonnage permit issued under this section shall be twenty-five dollars.

Sec. 4. Section 46.44.096, chapter 12, Laws of 1961 as last amended by section 56, chapter 7, Laws of 1984 and RCW 46.44.096 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state department of transportation in RCW 46.44.095, the state department of transportation shall authorize the use of the additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state department of transportation that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit;

(2) That the fees paid for the additional tonnage are not less than those established in RCW 46.44.095;

(3) That the city or county issuing the permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction;

(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall be observed.

When the department of transportation is satisfied that the above conditions have been met, the department of transportation, by suitable endorsement on the permit, shall authorize its use on such highways as the department has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways is subject to whatever rules and regulations the state department of transportation has adopted for the permits."

On motion of Senator von Reichbauer, the following amendment by Senators von Reichbauer and Bender to the striking amendment by Senators von Reichbauer and Bender was adopted:

On page 1, line 11, after "collected" insert "except the amount retained by authorized agents of the department as provided in RCW 46.44.096."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators von Reichbauer and Bender, as amended, to Engrossed House Bill No. 1502.

The striking amendment, as amended, to Engrossed House Bill No. 1502 was adopted.

#### MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 46.44.0941, 46.44.092, 46.44.095, and 46.44.096."

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1502, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1502, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1502, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warmke, West, Williams, Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Bauer, Johnson, Metcalf, Murray, Newhouse, Pullen, Sutherland, Thorsness - 10.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Hansen - 2.

ENGROSSED HOUSE BILL NO. 1502, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, by Committee on Trade and Economic Development (originally sponsored by Representatives Wineberry, Cantwell, Brough, Kremen, Schoon, Hine, Holland, Rasmussen, Miller, Ebersole, Doty, Locke, Winsley, H. Sommers, Anderson, Wang, Valle, Rust, R. King, Bristow, Sprengle, Leonard, Vekich, Prentice, Beck, K. Wilson, Rector, Spanel, Cole, Basich, Jones, Braddock, Betzoff, Nelson, Walker, Tate, Heavey, G. Fisher, Crane, O'Brien, Walk, Scott, Patrick, Dellwo, Zellinsky, Jesernig, Belcher, R. Fisher, Sayan, Pruitt, Wood, Brekke, Inslee, Fuhrman, Moyer, Todd, H. Myers, Brumsickle, Van Luven, Phillips, May and P. King)

Regarding employer involvement in child care.

The bill was read the second time.

## MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that the increasing difficulty of balancing work life and family needs for parents in the workforce has made the availability of quality, affordable child care a critical concern for the state and its citizens. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the workforce to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state and its businesses.

The legislature further finds that making information on child care options available to businesses can help the market for child care adjust to the needs of businesses and working families. The legislature further finds that investments are necessary to promote partnerships between the public and private sectors, educational institutions, and local governments to increase the supply, affordability, and quality of child care in the state.

Sec. 2. Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, ((to the extent child care services are used;)) there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 3. Section 2, chapter 213, Laws of 1988 and RCW 74.13.090 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty members who shall include:

(a) One representative each from the department of social and health services, the department of community development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the ((governor's commission on children)) department of labor and industries;

(c) One representative from the department of trade and economic development;

(d) One representative from the department of revenue;

(e) One representative from the employment security department;

(f) At least one representative of family home child care providers and one representative of center care providers;

~~((e))~~ (g) At least one representative of early childhood development experts;

~~((f))~~ (h) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

~~((g))~~ (i) At least one parent education specialist;

~~((h))~~ (j) At least one representative of resource and referral programs;

~~((i))~~ (k) One pediatric or other health professional;

~~((j))~~ (l) At least one representative of college or university child care providers;

~~((k))~~ (m) At least one representative of a citizen group concerned with child care;

~~((l))~~ (n) At least one representative of a labor organization;

~~((m))~~ (o) At least one representative of a head start - early childhood education assistance program agency;

~~((n))~~ (p) At least one employer who provides child care assistance to employees;

~~((o))~~ (q) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member selection process. ~~((Staff support for the child care coordinating committee shall be provided within available resources by the department of social and health services on an ongoing basis.))~~ The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination ~~((but not to review the substance of programs. The committee shall));~~

(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085(1). Reports shall be provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:

~~((b))~~ (i) Review and propose changes to the child care subsidy system ~~((by December 1, 1989))~~ in its December 1989 report;

(ii) Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure; and

(iii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings;

(c) Review ~~((agency))~~ department of social and health services administration of the child care expansion grant program described in RCW 74.13.095;

~~((c))~~ (d) ~~((Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure;~~

~~((d))~~ (e) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings; and

(f) Review rules regarding child care facilities and services for the purpose of identifying those which unnecessarily obstruct the availability and affordability of child care in the state;

(e) Advise and assist the child care resource coordinator in implementing his or her duties under section 5 of this act; and

(f) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

The child care partnership is established as a subcommittee of the child care coordinating committee to increase employer assistance and involvement in child care, and to foster cooperation between business and government to improve the availability, quality, and affordability of child care services in the state.

(1) The partnership shall have nine members who may be drawn from the membership of the child care coordinating committee. The secretary of the department of social and health services shall appoint the partnership members, who shall include:

- (a) At least two members representing labor organizations;
  - (b) At least one member representing each of the following: Businesses with one through fifty employees, businesses with fifty-one through two hundred employees, and businesses with more than two hundred employees; and
  - (c) At least one representative of local child care resource and referral organizations.
- (2) The partnership shall follow the same policies and procedures adopted by the child care coordinating committee, and members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) To the extent possible within available funds, the partnership shall:

(a) Review and propose statutory and administrative changes to encourage employer involvement in child care and partnerships between employers and the public sector to increase the quantity, quality, and affordability of child care services and facilities in this state;

(b) Review public and private child care programs with the purpose of enhancing communications and coordination among business, labor, public agencies, and child care providers in order to encourage employers to develop and implement child care services for their employees;

(c) Evaluate alternative employer-assisted child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature and local governments ways to encourage and enhance employer-assisted child care services in the state, including statutory and administrative changes;

(d) Evaluate the impact of workplace personnel practices and policies, including flexible work schedules, on the ability of parents to access or provide care for their children, and make recommendations to employers and the legislature in this regard;

(e) Study the liability insurance issues related to the provision of employer-assisted child care and report the findings and recommendations to the legislature; and

(f) Advise and assist the employer liaison in the implementation of its duties under section 6 of this act.

All findings and recommendations of the partnership to the legislature shall be incorporated into the annual report of the child care coordinating committee required under RCW 74.13.090.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

The office of the child care resources coordinator is established to operate under the authority of the department of social and health services. The office shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. No grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care; and

(f) Provide technical assistance to employers regarding employee child care services;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.13 RCW to read as follows:

An employer liaison position is established in the department of social and health services to be assigned to and located at the business assistance center established under RCW 43.31-.083. The employer liaison shall, within appropriated funds:

(1) Staff and assist the child care partnership in the implementation of its duties under section 4 of this act:

(2) Provide technical assistance to employers regarding child care services, working with and through local resource and referral organizations whenever possible. Such technical assistance shall include at a minimum:

(a) Assessing the child care needs of employees and prospective employees;

(b) Reviewing options available to employers interested in increasing access to child care for their employees;

(c) Developing techniques to permit small businesses to increase access to child care for their employees;

(d) Reviewing methods of evaluating the impact of child care activities on employers; and

(e) Preparing, collecting, and distributing current information for employers on options for increasing involvement in child care;

(3) Provide assistance to local child care resource and referral organizations to increase their capacity to provide quality technical assistance to employers in their community; and

(4) Locate at least one full-time staff person at the business assistance center responsible for carrying out the provisions of this section.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor amendment to Engrossed Substitute House Bill No. 1133.

The motion by Senator Lee carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.085 and 74.13.090; adding new sections to chapter 74.13 RCW; creating a new section; and declaring an emergency."

On motion of Senator Lee, the rules were suspended, Engrossed Substitute House Bill No. 1133, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1133, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1133, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Amondson - 1.

Absent: Senator Moore - 1.

Excused: Senators DeJarnatt, Hansen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 5897, by Senators West, Kreidler and McDonald  
Regarding alcohol and drug treatment.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5897 was substituted for Senate Bill No. 5897 and the substitute bill was placed on second read and read the second time.

Senator West moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 31, chapter 75, Laws of 1987 and by section 9, chapter 406, Laws of 1987 and RCW 74.04.005 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance (~~Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity~~) and shall be (~~referred to~~) advised as to appropriate assessment, treatment, (~~shelter, or supplemental security income referral~~) or program services (~~as authorized~~) that may be available to them under chapters (~~74-50~~) 69.54, 70.96, and 70.96A RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for (~~services~~) treatment under chapters (~~74-50~~) 69.54, 70.96, and 70.96A RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by

loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reappliation:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by, and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.



(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance; PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance; PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements; PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 2, Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted, or inflicted physical harm on another, shall be taken into protective custody by the police or the emergency service patrol and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the

detaining officer or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated by alcohol at the time of his or her admission or to have become incapacitated at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at the facility are authorized to use such reasonable physical restraint as may be necessary to retain a person incapacitated by alcohol at such facility for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ~~((in obtaining shelter))~~ with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The police, members of the emergency service, or treatment facility personnel, who in good faith act in compliance with this chapter are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

**NEW SECTION.** Sec. 3. The legislature recognizes that alcoholism and drug addiction is a treatable, primary disease and most persons with this illness can recover. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in order to direct them into a program where treatment and rehabilitation is focused on alcoholism and/or drug addiction. Finally, the legislature recognizes that if this disease has progressed to the stage where there is a poor prognosis for recovery, generally, other disabilities have developed which would make these persons eligible for general assistance.

**NEW SECTION.** Sec. 4. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide client assessment and treatment services within available funds. Where such treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who is eligible and what treatment is appropriate. The department shall establish rules of eligibility for the financially limited number of slots in both the residential care program and the outpatient treatment program accompanied by a living stipend. These rules shall set forth income and resource limits to assure that treatment priority is given to persons who are indigent or low income. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(2) If the department determines that a woman who is pregnant or parenting an infant is eligible for treatment, that woman will be given immediate priority for available treatment. In addition, the department shall coordinate to provide case management and support to these women to the extent that these services are available.

(3) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

**NEW SECTION.** Sec. 5. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide drug treatment services within available funding for persons suffering problems related to narcotic and other dangerous drugs. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may be used to provide shelter to clients in a dormitory setting where sobriety is required as a condition of residence. The living allowance shall be administered on the clients' behalf by the

outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) With the exception of those treatment services funded through alcohol and drug grants to counties, and congregate care facility residential moneys, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

Sec. 6. Section 8, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.080 are each amended to read as follows:

(1) The department shall establish by all appropriate means, including contracting for services, a comprehensive and coordinated program for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) The program shall include, but not necessarily be limited to:

(a) Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital or licensed medical institution;

(b) Intensive inpatient treatment services;

(c) ~~((intermediate))~~ Recovery house treatment; and

(d) Outpatient ~~((and follow-up))~~ treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may be used to provide shelter to clients in a dormitory setting where sobriety is required as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(3) With the exception of those treatment services funded through alcohol and drug grants to counties, and congregate care facility residential moneys, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve additional treatment or living allowance in an exceptional case.

(4) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

~~((3))~~ (5) The department shall provide for adequate and appropriate treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons admitted under RCW 70.96A.110 through 70.96A.140. Treatment may not be provided at a jail or prison except for inmates.

~~((4))~~ (6) All appropriate public and private resources shall be coordinated with and utilized in the program if possible.

~~((5))~~ (7) The department shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities.

~~((6))~~ (8) The department may contract for the use of any facility as an approved public treatment facility if the secretary, subject to the policies of the department, considers this to be an effective and economical course to follow.

**NEW SECTION.** Sec. 7. The legislature recognizes that alcoholism and drug addiction is a treatable, primary disease and most persons with this illness can recover. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in order to direct them into a program where treatment and rehabilitation is focused on alcoholism and/or drug addiction. Finally, the legislature recognizes that if this disease has progressed to the stage where there is a poor prognosis for recovery, generally, other disabilities have developed which would make these persons eligible for general assistance.

**NEW SECTION.** Sec. 8. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide client assessment and treatment within available funds. Where such treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who is eligible and what treatment is appropriate. The department shall establish rules of eligibility for the financially limited number of slots in both the residential care program and the outpatient treatment program accompanied by a living stipend. The rules shall set forth income and resource limits to assure that treatment priority is given to persons who are indigent or low income. The department may require an applicant to complete a residential evaluation for the purposes of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(2) If the department determines that a woman who is pregnant or parenting an infant is eligible for treatment, that woman will be given immediate priority for available treatment. In

addition, the department shall coordinate to provide case management and support to these women to the extent that these services are available.

(3) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

Sec. 9. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of social and health services.

(3) "Internal management" means the administration of medical assistance, medical care services, and the limited casualty program.

(4) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(5) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients (~~and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW~~) and to persons eligible for drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend.

(6) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) "Nursing home" means nursing home as defined in RCW 18.51.010.

Sec. 10. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 12, chapter 406, Laws of 1987 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance (~~and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW~~) and to persons eligible for drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance or the date of eligibility for ~~((alcohol and drug addiction services provided under chapter 74.50 RCW))~~ drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend.

**NEW SECTION.** Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 406, Laws of 1987, section 1, chapter 163, Laws of 1988 and RCW 74.50.010;

(2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020;

(3) Section 5, chapter 406, Laws of 1987 and RCW 74.50.040;

(4) Section 6, chapter 406, Laws of 1987, section 3, chapter 163, Laws of 1988 and RCW 74.50.050;

(5) Section 7, chapter 406, Laws of 1987, section 4, chapter 163, Laws of 1988 and RCW 74.50.060;

(6) Section 8, chapter 406, Laws of 1987 and RCW 74.50.070;

(7) Section 1, chapter 406, Laws of 1987 and RCW 74.50.900;

(8) Section 2, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.50.----; and

(9) Section 3, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.08.----"

#### POINT OF INQUIRY

Senator Talmadge: "Senator West, I'm still trying to puzzle my way through this amendment. The original bill, as I understood it, had some specific time periods for the duration of treatment for people under the ADATSA Program and I take it those are deleted in this amendment in favor of the language which states, 'within the appropriation allotted.'"

Senator West: "The treatment provisions are within the appropriation allotted. As far as the specific time period for each client, I don't believe that's there."

Senator Talmadge: "OK, thank you. The second question I guess, relates to the question of eligibility. You had indicated that the same criteria for eligibility for GAU would govern the eligibility for ADATSA."

Senator West: "That's not exactly true. The eligibility preferences given for the types of people--the unemployable types of people--that might because of economic status, qualify for GAU. There's a preference given to those folks."

Senator Talmadge: "I just wanted to make sure we weren't getting into the situation where we were debating that sixty to ninety days and unemployment criteria and so forth. Thank you, Senator West."

Further debate ensued.

#### MOTION

On motion of Senator Fleming, further consideration of Substitute Senate Bill No. 5897 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, by Committee on Trade and Economic Development (originally sponsored by Representatives Raiter, Cantwell, Doty, Wineberry, Schoon, Wolfe, Wood, Horn, Ferguson, Rector, G. Fisher, Silver, Ebersole, Phillips, Vekich, Cooper, Insee, Brumsickle, Youngsman, Walk, Bowman, Basich, Tate, Betrozoff, Belcher, Braddock, Morris, Beck, Jacobsen, Walker, Pruitt, Rayburn, Kremen, May, R. King, Todd, Winsley, Rasmussen, Spanel, P. King and Sprengle) (by request of Governor Gardner)

Creating the Washington economic development finance authority.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendments were considered simultaneously and were adopted:

On page 2, line 29, after "banking" insert "or the state supervisor of savings and loans"

On page 16, line 9, after "all banks," insert "eligible banking organizations."

On page 16, line 24, delete Section 22.

On motion of Senator Lee, the following amendment by Senators Lee and Smitherman was adopted:

On page 7, line 7, after "(1)" insert "The authority is authorized to provide assistance and advice to persons forming corporations under chapter 31.24 RCW.

(2) The authority may contract with corporations organized under this chapter. Each contract shall specify that the money received under the contract shall be used to provide management assistance, which may include management and technical advice and services and other technical support, to businesses receiving financing from the contracting corporation. No more than five corporations may contract with the authority under this section at any time. No corporation may receive more than a total of two hundred fifty thousand dollars under this section.

(3) To qualify for a contract under this section, a corporation shall agree that at least one-half of the corporation's loans and investments will be to businesses operating in distressed areas as defined in RCW 43.165.010(3)(a) and that the corporation's loans and investments will be to businesses that have agreed to enter first-source hiring agreements with the employment security department, local private industry councils, local labor unions, or other employment or placement agencies. These agreements shall require the businesses to interview prospective employees from a list of the unemployed supplied by the employment or placement agencies and hire any qualified candidates on the list before hiring any candidates not on the list. The first-source hiring agreements shall require the business to:

(a) Provide a job description for each position;

(b) Provide a description of the skills each position requires; and

(c) Provide a salary range for each position.

The first-source hiring agreements shall require the employment or placement agency to provide a list of candidates who have expressed interest in each available position and who meet the skill requirements of each position. No fees may be charged of the unemployed candidates on the list supplied by the employment or placement agency.

(4) The authority shall adopt rules to carry out this section."

Renumber the remaining subsections consecutively and correct internal references accordingly.

### MOTIONS

On motion of Senator Smitherman, the following amendment by Senators Smitherman and Lee was adopted:

On page 20, after line 30, insert the following:

"(x) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW."

Senator Anderson moved that the following amendment by Senators Anderson, Lee, Saling, Stratton and McCaslin be adopted:

On page 21, after line 17, insert the following:

\*Sec. 26. Section 1, chapter 162, Laws of 1963 and RCW 31.24.010 are each amended to read as follows:

((As used in this chapter, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) Corporation means a Washington business and industrial development corporation created under this chapter.

(2) Financial institution means any banking corporation or trust company, national banking association, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(3) ((Member means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this chapter, upon its call, and in accordance with the provisions of this chapter:

(4)) Board of directors means the board of directors of the corporation created under this chapter.

((5) Loan limit means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this chapter:))

(4) Business means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(5) Associate means, if used with respect to a corporation:

(a) A controlling person, director, officer, agent, or advisor of that corporation.

(b) A director, officer, or partner of a person referred to in (a) of this subsection.

(c) A person who controls, is controlled by, or is under common control with a person referred to in (a) of this subsection directly or indirectly through one or more intermediaries.

(d) Any close relative of any person referred to in (a) of this subsection.

(e) A person of which a person referred to in (a) through (d) of this subsection is a director or officer.

(f) A person in which a person referred to in (a) through (d) of this subsection, or any combination of those persons acting in concert, owns or controls, directly or indirectly, a twenty percent or greater equity interest.

For the purposes of this subsection (5)(f), a person who is in a relationship referred to in this subsection within six months before or after a corporation provides financing assistance shall be considered to be in that relationship as of the date that corporation provides that financing assistance.

If a corporation, in order to protect its interests, designates a person to serve as a director of, officer of, or in any capacity in the management of a business to which that corporation provides financing assistance, that person shall not, on that account, be considered to have a relationship with that business. This exception does not apply if the person has, directly or indirectly, any other financial interest in the business or if the person, at any time before the corporation provides the financing assistance, served as a director of, officer of, or in any other capacity in the management of the business for a period of thirty days or more.

(6) Close relative means a parent, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, sister-in-law, grandparent, or grandchild.

(7) Supervisor means the state supervisor of banking.

Sec. 27. Section 2, chapter 162, Laws of 1963 as amended by section 1, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.020 are each amended to read as follows:

((Fifteen)) Seven or more persons, a majority of whom shall be residents of this state, who may desire to create ((am)) a business and industrial development corporation under the provisions of this chapter, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges

hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "Business and Industrial Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to ((promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state)) provide moderate risk financing and management assistance to businesses operating primarily in Washington state to increase job opportunities for Washington citizens and the prosperity of the state.

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than ((fifty thousand)) one million dollars, except as otherwise provided in this chapter. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until ((a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state)) the state supervisor of banking has certified the corporation as eligible to operate as a business and industrial development corporation under this chapter.

A person transacting business in this state shall not use a name or title which indicates that the person is a business and industrial development corporation including, but not limited to, use of the term "BIDCO," and a person shall not otherwise represent that the person is a business and industrial development corporation until the person has been certified as a business and industrial development corporation.

A corporation shall be certified by the supervisor of banking as eligible to operate under this chapter upon meeting the following conditions:

(a) The corporation has paid a three thousand dollar certification fee to the state supervisor of banking and such other fees or costs as the supervisor establishes by rule;

(b) The corporation has submitted a business plan which includes at least three years of detailed financial projections and other relevant information;

(c) The corporation has provided information about the character and competence of each director and officer of the corporation; and

(d) The supervisor finds that the corporation's officers and directors are capable of running the corporation competently, has a net worth and lendable funds sufficient to provide financing

assistance, and that the directors and officers of the corporation have agreed to comply with the terms of this chapter and its intent to facilitate the availability of moderate risk financing to firms in Washington. In making the finding under this subsection, the supervisor of banking shall:

(i) Consult with the director of trade and economic development and the director of community development; and

(ii) Require a minimum net worth of one million dollars and an additional one million dollars in lendable funds or an enforceable pledge for one million dollars in lendable funds, unless the supervisor finds that special circumstances render lesser amounts of net worth or lendable funds adequate for the corporation to meet the intent of this chapter and operate according to its business plan.

Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by ~~((him))~~ the secretary and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Sec. 28. Section 3, chapter 162, Laws of 1963 as last amended by section 42, chapter 466, Laws of 1985 and RCW 31.24.030 are each amended to read as follows:

The business of a corporation shall be to provide financing and management assistance to businesses operating primarily in Washington state. In furtherance of its ((purposes)) business and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, ((the)) each corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation(~~((PROVIDED, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner))~~).

(2) To borrow money ~~((from its members and the small business administration and any other similar federal agency:))~~ for any of the purposes of the corporation; to issue thereof its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder ~~((or member))~~ approval(~~((PROVIDED, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner))~~).

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith(~~((PROVIDED, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution))~~).

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, ~~((including, but not restricted to, any))~~ if the real or personal property is for the corporation's use in operating its business, or if the real or personal property is acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) ~~((To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments:))~~ To determine the form and the terms and conditions for financing assistance provided by the corporation to a business including, but not limited to forms such as loans; purchase of debt instruments; straight equity investments, such as purchase of common stock or preferred stock; debt with equity features such as warrants to purchase stock, convertible debentures, or receipt of a percent of net income or sales; royalty based financing; guaranteeing of debt; or leasing of property. A corporation may purchase securities of a business either directly or indirectly through an underwriter. A corporation may participate in the program of the small business administration pursuant to section 7(a) of the small business act, (Public Law 85-536, 15 U.S.C. Sec. 636(a)), or any other government program for which the corporation is eligible and which has as its function the provision or facilitation of financing or management assistance to businesses. If a corporation



participates in a program referred to in this section, the corporation shall comply with the requirements of that program. Financing assistance provided by a corporation to a business shall be for the business purposes of that business.

~~(6) ((To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.)) To provide management assistance to a business which may encompass both management or technical advice and management or technical services. Management assistance provided by a corporation to a business shall be for the business purposes of that business.~~

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsection((s)) (4)((:)) or (5)((-or (6))) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of trade and economic development, the department of community development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To make donations for charitable, educational, research, or similar purposes.

(10) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 29. Section 4, chapter 162, Laws of 1963 and RCW 31.24.040 are each amended to read as follows:

Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

~~((+)) Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this chapter((-PROVIDED, That a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation;~~

~~(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; and~~

~~(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state. PROVIDED, That the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member)).~~

The amount of capital stock of the corporation which any ((member)) financial institution is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such ((member)) financial institution may otherwise be authorized to acquire.

Sec. 30. Section 7, chapter 162, Laws of 1963 and RCW 31.24.070 are each amended to read as follows:

The stockholders ~~((and the members))~~ of the corporation shall have the following powers of the corporation:

(1) To determine the number of and elect directors as provided in RCW 31.24.090;

(2) To make, amend and repeal bylaws;

(3) To amend this charter as provided in RCW 31.24.080;

(4) To dissolve the corporation as provided in RCW 31.24.150;

(5) To do all things necessary or desirable to secure aid, assistance, loans and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, public law 85-699, 85th congress, or other similar federal laws now or hereafter enacted.

(6) To exercise such other of the powers of the corporation consistent with this chapter as may be conferred on the stockholders ~~((and the members))~~ by the bylaws.

As to all matters requiring action by the stockholders (~~and the members~~) of the corporation, said stockholders (~~and said members~~) shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled (~~and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled~~).

(~~Each~~) Stockholders shall have one vote, in person or by proxy, for each share of capital stock held (~~by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars shall have one additional vote, in person or by proxy, for each additional one thousand dollars which such member is authorized to have outstanding on loans to the corporation at any one time as determined under subsection (3)(b) of RCW 31.24.056~~).

Sec. 31. Section 8, chapter 162, Laws of 1963 and RCW 31.24.080 are each amended to read as follows:

The articles of incorporation may be amended by the votes of the stockholders (~~and the members of the corporation~~), voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders (~~shall be entitled and two-thirds of the votes to which the members~~) shall be entitled: PROVIDED, That no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state supervisor of banking to examine the corporation or the obligation of the corporation to make reports as provided in RCW 31.24.120, shall be made (~~(-PROVIDED-FURTHER, That no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of an outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each membership affected by such amendment)~~).

Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if (~~he~~) the secretary finds that they conform to the requirements of this chapter, shall so certify and endorse his or her approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Sec. 32. Section 9, chapter 162, Laws of 1963 as amended by section 3, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.090 are each amended to read as follows:

The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than (~~eleven~~) seven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by (~~the members and~~) the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders (~~or members~~) and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. (~~At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors~~). The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director (~~electd by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders~~) shall be filled by the directors (~~electd by the stockholders~~).

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

NEW SECTION. Sec. 33. A new section is added to chapter 31.24 RCW to read as follows:

(1) A corporation shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition. The supervisor of banking shall revoke the certification of a corporation if the supervisor finds that the corporation has failed to operate or maintain itself in a safe and sound manner or has failed to comply with the intent of this chapter, and the corporation may not transact business as a business and industrial development corporation until

such time as the supervisor recertifies the corporation consistent with RCW 31.24.020(8). The secretary of state shall remove from the active files the incorporation records of a corporation with its certification revoked until such time as the supervisor of banking has recertified the corporation.

(2) In determining whether a corporation is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the supervisor shall consider the risk of a provision of financing assistance to a business firm, within the context of the anticipated higher risks associated with the purposes of corporations organized under this chapter.

(3) Subsection (2) of this section does not limit the authority of the supervisor to:

(a) Determine that a corporation's financing assistance to a single business or group of affiliated firms is in violation of subsection (1) of this section if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholder's equity of the corporation;

(b) Require that a corporation maintain a reserve in the amount of anticipated losses; and

(c) Require that a corporation have a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The supervisor shall not require that a corporation adopt a financing assistance policy that contains standards which prevent the corporation from exercising flexibility in meeting the capital needs of the individual firms.

Sec. 34. Section 12, chapter 162, Laws of 1963 and RCW 31.24.120 are each amended to read as follows:

The corporation shall be examined at least ~~((once annually))~~ every eighteen months by the state supervisor of banking and shall make quarterly reports of its condition ~~((not less than annually))~~ to said state supervisor of banking and more frequently upon call of the state supervisor of banking, who in turn shall make copies of such reports available to the state insurance commissioner and the governor; and the corporation shall also furnish such other information as may from time to time be required by the state supervisor of banking and secretary of state. The corporation shall pay the actual cost of said examinations. The state supervisor of banking shall exercise the same power and authority over corporations organized under this chapter as is now exercised over banks and trust companies by the provisions of the Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this chapter.

The state supervisor of banking shall publish annually and provide to the senate and house commerce and labor committees and ways and means committees information on the impact of this chapter in promoting economic development in Washington. At the minimum, the information shall include aggregate statistics on each of the following:

(1) The number and locations of corporations operating under this chapter;

(2) The number of instances and dollar amount of financing and management assistance given by corporations operating under this chapter to:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses; and

(d) Businesses located in distressed areas;

(3) The number of jobs created or retained by:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses;

(d) Businesses located in distressed areas; and

(e) The wage rates paid to the employees hired or retained; and

(4) The percentage of each business's total contributions or payments for unemployment insurance made to the state of Washington.

Sec. 35. Section 13, chapter 162, Laws of 1963 and RCW 31.24.130 are each amended to read as follows:

The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws, by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. ~~((Ten))~~ Five of the incorporators shall be a quorum for the transaction of business.

Sec. 36. Section 14, chapter 162, Laws of 1963 and RCW 31.24.140 are each amended to read as follows:

Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders ~~((and the~~

members)) to dissolve the corporation prior to the expiration of said period as provided in RCW 31.24.150.

Sec. 37. Section 15, chapter 162, Laws of 1963 as amended by section 52, chapter 3, Laws of 1983 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled (~~and two-thirds of the votes to which the member shall be entitled~~) dissolve said corporation as provided by Title 23A RCW, insofar as Title 23A RCW is not in conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the ~~((members))~~ creditors of the corporation ((as creditors thereof)) have been paid in full.

**NEW SECTION.** Sec. 38. A new section is added to chapter 31.24 RCW to read as follows:

(1) A corporation shall not provide, directly or indirectly, financing assistance to:

(a) An associate of the corporation;

(b) Discharge, or to free other money for use in discharging, in whole or in part, an obligation to an associate of that corporation. This section does not apply to a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(c) A business to which an associate of that corporation provides financing assistance, either contemporaneously with, or within one year before or after, the providing of financing assistance by the corporation, if the terms on which the corporation provides financing assistance are less favorable to the corporation than the terms on which the associate provides financing assistance to the business. If the financing assistance provided by the associate of the corporation is of a different kind from the financing assistance provided by the corporation, the burden shall be on the corporation to prove that the terms on which the corporation provided financing assistance were at least as favorable to the corporation as the terms on which the associate provided financing assistance to the business.

This subsection (1)(c) does not apply to any of the following:

(i) If the associate is a controlling person of the corporation and is also the only shareholder of the corporation;

(ii) If the associate is a subsidiary of the corporation; or

(iii) A transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(2) For the purposes of this section and section 21 of this act:

(a) "Person" means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization. If used with respect to acquiring control of or controlling a specified person, person includes a combination of two or more persons acting in concert;

(b) "Control" means, if used with respect to a specified person, the power to direct or cause the direction of, directly or indirectly through one or more intermediaries, the management and policies of that specified person, whether through the ownership of voting securities; by contract, other than a commercial contract for goods or nonmanagement services; or otherwise. A natural person shall not be considered to control a person solely on account of being a director, officer, or employee of that person. A person who, directly or indirectly, owns of record or beneficially holds with power to vote, or holds proxies with discretionary authority to vote, twenty percent or more of the then outstanding voting securities issued by a corporation shall be rebuttably presumed to control that corporation; and

(c) "Controlling person" means, if used with respect to a specified person, a person who controls that specified person, directly or indirectly through one or more intermediaries.

**NEW SECTION.** Sec. 39. A new section is added to chapter 31.24 RCW to read as follows:

An associate of a corporation shall not receive, directly or indirectly, from a person to whom that corporation provides financing assistance, compensation in connection with the providing of that financing assistance or anything of value for procuring, influencing, or attempting to procure or influence the corporation's action with respect to the providing of the financing assistance. This section does not apply to the receipt of fees by an associate of a corporation for bona fide closing services performed by that associate if all of the following are true:

(1) The associate, with the consent and knowledge of the person to whom the financing assistance is provided, is designated by the corporation to perform the services;

(2) The services are appropriate and necessary in the circumstances;

(3) The fees for the services are approved as reasonable by the corporation; and

(4) The fees for the services are collected by the corporation on behalf of the associate.

Sec. 40. Section 16, chapter 162, Laws of 1963 and RCW 31.24.160 are each amended to read as follows:

Under no circumstances shall the credit of the state of Washington be pledged to any corporation organized under the provisions of this chapter. The state of Washington shall not be subject to or responsible for any claim, debt, obligation, liability, or undertaking arising from the formation, operation, activities, or dissolution of a corporation organized under this chapter.

and shall be immune from suit thereon. All debt and equity instruments, including but not limited to bonds, debentures, securities, notes, and shares, issued by corporations organized under this chapter shall indicate on the face of each such document as issued that it does not constitute an obligation of the state of Washington.

NEW SECTION, Sec. 41. A new section is added to chapter 31.24 RCW to read as follows:

The insurance commissioner, the state supervisor of banking, the state supervisor of savings and loan associations, and the utilities and transportation commission shall each adopt such rules as may be necessary to allow those insurers, banks, savings and loan associations, and public service companies subject to regulation by state law to participate as investors in corporations organized under this chapter in a manner consistent with state regulatory requirements and the requirements imposed under this chapter.

NEW SECTION, Sec. 42. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 162, Laws of 1963, section 1, chapter 90, Laws of 1973 1st ex. sess., section 2, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.050;

(2) Section 6, chapter 162, Laws of 1963 and RCW 31.24.060; and

(3) Section 10, chapter 162, Laws of 1963 and RCW 31.24.100."

Renumber remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator Niemi: "Thank you, Mr. President. I rise to a point of order. I would like to challenge the scope and object of the amendment. This amendment adds the Washington Business and Development Corporation, which is BIDCO, to a bill—a very good bill—which creates the Washington Economic Development Finance Authority and I believe it is beyond the scope and object of the underlying bill. Moreover, with your permission, it might save some time if Senator Anderson is going to offer the next amendment on page 21, after line 17, which allows a tax credit, as well as the title amendment, to say that I would also challenge the scope and object of those amendments if they are offered."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senators Anderson, Lee, Saling, Stratton and McCaslin on page 21, after line 17, to Engrossed Substitute House Bill No. 1553.

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Lee be adopted:

On page 21, after line 17, insert the following:

"NEW SECTION, Sec. 26. A new section is added to chapter 82.04 RCW to read as follows:

(1) A credit is allowed against the tax imposed under this chapter for each of the fiscal years beginning July 1, 1989, and ending June 30, 1994, for amounts invested in each such year in business and industrial development corporations organized under chapter 31.24 RCW. The amount of allowable credit in each such year shall be as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1990	25%
1991	20%
1992	15%
1993	10%
1994	5%
1995	0%

(2) Applications for credit under this section shall be submitted as prescribed by the department by rule. No credit may be taken under this section until it has been approved by the department.

(3) Credits allowed under this section to any taxpayer shall not exceed the tax otherwise payable under this chapter by the taxpayer for that fiscal year. Any excess credit shall not be carried over to succeeding years.

(4) No credit may be allowed under this section for an investment for which credit has been allowed under section 44 or 45 of this act.

(5) Any taxpayer receiving a credit under this section who withdraws all or part of the investment on which the credit was based within five years shall repay the credit in proportion to the withdrawal as provided in section 46 of this act.

NEW SECTION, Sec. 27. A new section is added to chapter 82.16 RCW to read as follows:

(1) A credit is allowed against the tax imposed under this chapter for each of the fiscal years beginning July 1, 1989, and ending June 30, 1994, for amounts invested in each such year in business and industrial development corporations organized under chapter 31.24 RCW. The amount of allowable credit in each such year shall be as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1990	25%
1991	20%
1992	15%
1993	10%
1994	5%
1995	0%

(2) Applications for credit under this section shall be submitted as prescribed by the department by rule. No credit may be taken under this section until it has been approved by the department.

(3) Credits allowed under this section to any taxpayer shall not exceed the tax otherwise payable under this chapter by the taxpayer for that fiscal year. Any excess credit shall not be carried over to succeeding years.

(4) No credit may be allowed under this section for an investment for which credit has been allowed under section 43 or 45 of this act.

(5) Any taxpayer receiving a credit under this section who withdraws all or part of the investment on which the credit was based within five years shall repay the credit in proportion to the withdrawal as provided in section 46 of this act.

NEW SECTION, Sec. 28. A new section is added to chapter 48.14 RCW to read as follows:

(1) A credit is allowed against the tax imposed under this chapter for each of the fiscal years beginning July 1, 1989, and ending June 30, 1994, for amounts invested in each such year in business and industrial development corporations organized under chapter 31.24 RCW. The amount of allowable credit in each such year shall be as follows:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1990	25%
1991	20%
1992	15%
1993	10%
1994	5%
1995	0%

(2) Applications for credit under this section shall be submitted as prescribed by the department by rule. No credit may be taken under this section until it has been approved by the department.

(3) Credits allowed under this section to any taxpayer shall not exceed the tax otherwise payable under this chapter by the taxpayer for that fiscal year. Any excess credit shall not be carried over to succeeding years.

(4) No credit may be allowed under this section for an investment for which credit has been allowed under section 43 or 44 of this act.

(5) Any taxpayer receiving a credit under this section who withdraws all or part of the investment on which the credit was based within five years shall repay the credit in proportion to the withdrawal as provided in section 46 of this act.

NEW SECTION, Sec. 29. A new section is added to chapter 31.24 RCW to read as follows:

(1) Investors which take advantage of the tax credits allowed under sections 43, 44, and 45 of this act and which withdraw within the first five years of their investment any funds invested in a corporation governed by this chapter shall be obligated to return to the state treasury a portion of the tax credit granted which is equal in proportion to the amount the withdrawn funds represent relative to the total funds invested by the investor.

(2) Any corporation which loses its certification shall be obligated to pay to the state treasurer an amount equal to any tax credits taken by investors in such corporation within three years preceding the loss of certification. Such payment shall be made within eighteen months of the loss of certification unless the corporation is recertified within that time. The obligation to pay the state treasurer created by this section shall be a lien on the assets and capital of a corporation losing its certification and shall have priority over any other liens or security interests.

NEW SECTION, Sec. 30. A new section is added to chapter 31.24 RCW to read as follows:

The department of revenue shall keep a running total of all credits granted under sections 43 through 45 of this act during each fiscal year. The department of revenue shall not allow any credits which would cause the tabulation to exceed four million dollars.

NEW SECTION, Sec. 31. The legislative budget committee shall, by January 1, 1992, conduct analyses of business industrial development corporations. The analyses shall provide information on any costs to the state resulting from the operation of the corporation as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to their activities.

The analysis shall include a review of: The number of firms; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm and community as a

result of program assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by communities and firms assisted by the program; and sales volume trends for each firm assisted by the program."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senator Niemi, as stated earlier, also challenged the scope and object of this amendment.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1553.

## SECOND READING

HOUSE BILL NO. 1682, by Representatives Brough, Vekich, Patrick, Jacobsen, Cole, Leonard, Todd, O'Brien and Schoon

Revising provisions for fund raising events by bona fide charitable or nonprofit organizations.

The bill was read the second time.

## MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendments not be adopted:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:

The legislature recognizes that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest and that the participation by individuals in such fund-raising activities and social pastimes for amusement rather than profit should be provided for.

Sec. 2. Section 3, chapter 4, Laws of 1987 and RCW 9.46.0205 are each amended to read as follows:

"Bingo," as used in this chapter, means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, except that a bona fide charitable or nonprofit organization may conduct or allow its premises to be used for conducting bingo on a fourth occasion each week for special bingo activities under the provisions of section 3 of this act, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this section, the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981, shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:

The legislature hereby intends under this section to provide opportunities for additional bona fide charitable or nonprofit organizations to engage in lawful fund-raising activities. A licensed operator may utilize its facility for conducting special bingo activities on a fourth occasion each week. A licensee shall not be required to make its facility available a fourth occasion for any organization. The licensee shall maintain full and complete control of its games and facility and shall utilize its own employees in operating a fourth occasion.

The commission shall ensure that the opportunities created and the additional net revenues generated under this section are dedicated only to bona fide charitable or nonprofit organizations other than the licensed operator which are not regularly or currently conducting bingo activities. The commission shall adopt rules implementing the provisions of this section."

Renumber the remaining section consecutively.

On page 1, line 8, after "more than" strike "once" and insert "~~((once))~~ two times"  
 On page 1, line 9, after "more than" strike "twice" and insert "~~((twice))~~ four times"

Debate ensued.

#### MOTION

Senator Warnke moved that the Committee on Economic Development and Labor amendments to House Bill No. 1682 be considered simultaneously and be adopted.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Warnke: "Mr. President, a parliamentary inquiry. The bill, as it originally came over from the House, expanded the lid by ten thousand dollars. Would you consider that an expansion of gambling requiring two-thirds or not an expansion—or sixty percent?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Sixty percent. Are you asking me whether the proposal before us calls for a sixty percent vote?"

Senator Warnke: "I'm asking you if the original bill that is before us requires sixty percent?"

President Pritchard: "I'll have to examine it. That takes some time. If you want to ask me whether this amendment takes sixty percent, I'll respond to you."

Senator Warnke: "Mr. President, I already know the answer to that question. I would ask that you examine the bill and give us a ruling."

President Pritchard: "I would have to have some time and I will examine it on that question."

#### PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President, a further parliamentary inquiry. I think in view of the request from Senator Warnke, that I would expand that request and I would ask the Chair to examine the bill as it is from the House and determine whether or not that will require a sixty percent vote. Then, I would further ask the Chair to give us a ruling now, that if the amendments are carried, will that change the status of the original bill in terms of the sixty percent?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Yes, the Chair, would rule that to put the amendment on would take a sixty percent vote, and then the bill will then require a sixty percent vote, in the Chair's opinion. There is no question, it expands the area of gambling."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "It would be my request that we rule, that no amendment takes more than a majority vote—a simple majority vote. It is final passage only that takes sixty percent if gambling is expanded."

#### REPLY BY THE PRESIDENT

President Pritchard: "Well, let me check with my learned counsel who gave me that advice in the first place. Just a moment."

#### FURTHER REPLY BY THE PRESIDENT

President Pritchard: "Senator Newhouse is correct now that we've reflected on it. The amendment only takes fifty percent, but it would appear that the final bill will take sixty percent if that amendment is on. I can rule on the amendment itself. You want me to rule on the other? Well, I'll have to do some looking."

The President declared the question before the Senate to be the positive motion by Senator Warnke that the Committee on Economic Development and Labor amendments to House Bill No. 1682 be considered simultaneously and be adopted.

The Committee on Economic Development and Labor amendments were adopted on a rising vote.



## MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "corporations," strike the remainder of the title and insert "amending RCW 9.46.0205 and 9.46.0233; and adding new sections to chapter 9.46 RCW."

On motion of Senator Nelson, the rules were suspended, House Bill No. 1682, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Nelson, and there being no objection, further consideration of House Bill No. 1682, as amended by the Senate, was deferred.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the Committee on Economic Development and Labor amendments to House Bill No. 1682 were adopted.

## WITHDRAWAL OF MOTION

There being no objection, Senator Vognild withdrew his motion to reconsider the vote by which the Committee on Economic Development and Labor amendments were adopted.

## SECOND READING

HOUSE BILL NO. 1060, by Representatives Cooper, Ferguson and Haugen (by request of Department of Community Development)

Revising provisions on issuing state and local government bonds.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 27, after "underwriter" strike "or purchaser"

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 2, line 1, after "issuance," insert "In cases where the issuer of the bond makes a direct or private sale to a purchaser without benefit of an underwriter, the issuer shall supply the required information."

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1060, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1060, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1060, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Hansen - 2.

HOUSE BILL NO. 1060, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5897 and the pending striking amendment by Senator West, deferred earlier today.

## POINT OF INQUIRY

Senator Gaspard: "Senator West, I am looking on page 11 of the striking amendment and looking at line 2, and the term, 'dormitory setting.' I would just like to have a clarification of what your understanding of that definition may mean. I'm concerned that if that definition is to mean something like a military setting where you have dormitory-like barracks. I hope that is not that case, or a case similar to maybe what we would consider at a college campus--dormitories--but that this language could include a single family residence or an apartment complex where you may have a sharing of common facilities, but it is used for drug and alcohol treatment."

Senator West: "Under the ADATSA Program that we had when we thought we had the authority for the dormitory settings, we had several types. Some which were individual rooms, with a resident manager on the site to insure that they were sober houses. Some had like bays with two or three beds, maybe sharing several people to a room, but not a military-style barracks. This issue is still in the Supreme Court, specifically, and I think they'll dictate to us somewhat, the kind of dormitory setting we can have."

Senator Gaspard: "But, Senator West, it would be your understanding that it could include normally, a single family residence that was set up to be an alcohol and drug treatment center or even apartment complex that was also for that type of treatment?"

Senator West: "Senator Gaspard, it is my understanding that it can include those kinds of residences, yes."

Further debate ensued.

## POINT OF INQUIRY

Senator Wojahn: "Senator West, if a person were developmentally disabled because of alcohol, but had other disabilities also, and was living with his family where he was getting general assistance, would he, in your opinion, be cut off from this?"

Senator West: "No, if he had other disabilities that would qualify him for general assistance, those disabilities would continue to qualify him for general assistance, and on page 9 of the amendment, New Section 3, the last sentence talks about where people who have alcoholism to the extent that they're non-recovering, they more than likely have other disabilities that qualify them for GAU and would come under the GAU statutes."

Senator Wojahn: "If they were able to qualify and be under GAU?"

Senator West: "Because of other disabilities."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator West to Substitute Senate Bill No. 5897.

The motion by Senator West carried and the amendment was adopted.

## MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 70.96A.120, 70.96A.080, 74.09.010, and 74.09.035; reenacting and amending RCW 74.04.005; adding new sections to chapter 69.54 RCW; adding a new section to chapter 70.96A RCW; creating new sections; and repealing RCW 74.50.010, 74.50.020, 74.50.040, 74.50.050, 74.50.060, 74.50.070, and 74.50.900."

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5897 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5897.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matsou.

McCasin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Hansen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086, by Committee on Environmental Affairs (originally sponsored by Representatives Ferguson, Rust, Wang, May, Haugen, Winsley, R. Meyers, Betrozoff, Beck, Sayan, Nelson, Miller, Moyer, Dellwo, Heavey, Pruitt, D. Sommers, Walker, Brough, Schoon, Phillips, Spanel, Valle and Anderson)

Regulating underground storage tanks.

The bill was read the second time.

## MOTIONS

Senator Metcalf moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1. LEGISLATIVE FINDING AND INTENT.** The legislature finds that leaking underground storage tanks containing petroleum and other regulated substances pose a serious threat to human health and the environment. To address this threat, the legislature intends for the department of ecology to establish an underground storage tank program designed, operated, and enforced in a manner that, at a minimum, meets the requirements for delegation of the federal underground storage tank program of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901, et seq.). The legislature intends that state-wide requirements for underground storage tanks adopted by the department be consistent with and no less stringent than the objectives outlined in the federal regulations.

The legislature further finds that certain areas of the state possess physical characteristics that make them especially vulnerable to threats from leaking underground storage tanks and that in these environmentally sensitive areas, local requirements more stringent than the state-wide requirements may apply.

**NEW SECTION. Sec. 2. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department.

(3) "Federal act" means the federal Resource Conservation and Recovery Act, as amended (42 U.S.C. Sec. 6901, et seq.).

(4) "Federal regulations" means the underground storage tanks regulations (40 C.F.R. Secs. 280 and 281) adopted by the United States environmental protection agency under the federal act.

Except as provided in this section and any rules adopted by the department under this chapter, the definitions contained in the federal regulations apply to the terms in this chapter.

**NEW SECTION. Sec. 3. DEPARTMENT'S POWERS AND DUTIES.** (1) By July 1, 1990, the department shall adopt rules establishing requirements for all underground storage tanks that are regulated under the federal act, taking into account the various classes or categories of tanks to be regulated. The rules must be consistent with and no less stringent than the federal regulations and consist of requirements for the following:

(a) New underground storage tank system design, construction, installation, and notification;

(b) Upgrading existing underground storage tank systems;

(c) General operating requirements;

(d) Release detection;

(e) Release reporting;

(f) Out-of-service underground storage tank systems and closure; and

(g) Financial responsibility for underground storage tanks containing regulated substances.

(2) By July 1, 1990, the department shall adopt rules:

(a) Establishing physical site criteria to be used in designating local environmentally sensitive areas;

(b) Establishing procedures for local government application for this designation; and

(c) Establishing procedures for local government adoption and department approval of rules more stringent than the state-wide standards in these designated areas.

(3) By July 1, 1990, the department shall establish by rule an administrative and enforcement program that is consistent with and no less stringent than the program required under the federal regulations in the areas of:

(a) Compliance monitoring, including procedures for recordkeeping and a program for systematic inspections;

(b) Enforcement;

(c) Public participation; and

(d) Information sharing.

(4) By July 1, 1990, the department shall establish a program that provides for the tagging of underground storage tanks. Tanks are not eligible for tagging unless the owner or operator is in compliance with the requirements of this chapter and annual state and local tank fees have been remitted. The tank tagging program shall be designed to ensure that tags will be clearly identifiable to persons delivering regulated substances to underground storage tanks.

(5) The department may establish programs to certify persons who conduct inspections, testing, closure, cathodic protection, interior tank lining, corrective action, or other activities required under this chapter. Certification programs shall be designed to ensure that each certification will be effective in all jurisdictions of the state.

(6) When adopting rules under this chapter, the department shall consult with the state building code council to ensure coordination with the building and fire codes adopted under chapter 19.27 RCW.

**NEW SECTION, Sec. 4. ADMINISTRATION AND ENFORCEMENT PROGRAM.** (1) The department shall establish a state-wide underground storage tank administration and enforcement program that encourages the delegation of program responsibilities to a qualified city, town, or county. The department shall adopt rules establishing requirements for the delegation of program elements. The department shall provide for an appropriate distribution of resources collected under section 10 of this act between the department and the city, town, or county to cover the cost of delegated responsibilities and shall ensure that these moneys be distributed to the city, town, or county upon delegation of program responsibilities.

(2) A city, town, or county may apply to the department for delegation of program responsibilities of part or all of the underground storage tank program within its jurisdictional boundaries. A fire protection district or political subdivision may enter into an agreement under chapter 39.34 RCW with a city, town, or county to assume all or a portion of delegated program responsibilities.

(3) In jurisdictions where partial delegation of program responsibilities occurs, the department shall administer and enforce those program elements not delegated. The department shall administer and enforce the entire underground storage tank program in jurisdictions where no delegation of program responsibilities has occurred.

**NEW SECTION, Sec. 5. ENVIRONMENTALLY SENSITIVE AREAS.** (1) A city, town, or county may apply to the department to have an area within its jurisdictional boundaries designated an environmentally sensitive area. A city, town, or county may submit a joint application with any other city, town, or county for joint administration under chapter 39.34 RCW of a single environmentally sensitive area located in both jurisdictions.

(2) A city, town, or county may adopt proposed ordinances or resolutions establishing requirements for underground storage tanks located within an environmentally sensitive area that are more stringent than the state-wide standards established under section 3 of this act. If application for the designation of an environmentally sensitive area is made later than five years after the date of final adoption of the rules required under this chapter, proposed local ordinances and resolutions shall only apply to new underground storage tank installations. The local government adopting the ordinances and resolutions shall submit them to the department for approval. Disapproved ordinances and resolutions may be modified and resubmitted to the department for approval. Proposed local ordinances and resolutions become effective when approved by the department.

(3) The department shall approve or disapprove each proposed local ordinance or resolution based on the following criteria:

(a) The area to be regulated is found to be an environmentally sensitive area based on rules adopted by the department; and

(b) The proposed local regulations are reasonably consistent with previously approved local regulations for similar environmentally sensitive areas.

(4) A city, town, or county for which a proposed local ordinance or resolution establishing more stringent requirements is approved by the department may establish local tank fees that meet the requirements of section 10 of this act, if such fees are necessary for enhanced program administration or enforcement.

**NEW SECTION, Sec. 6. DELIVERY OF REGULATED SUBSTANCES.** Regulated substances shall not be delivered to any underground storage tank in the state required to be tagged under section 3 of this act unless proof of valid tagging is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. A supplier shall not refuse to deliver regulated substances to an underground storage tank regulated under this chapter on the basis of its potential to

leak contents where the tank is either tagged as required in section 3 of this act or is in compliance with federal underground storage tank regulations and any state or local regulations then in effect. This section does not apply to a supplier who does not directly transfer a regulated substance into an underground storage tank.

**NEW SECTION, Sec. 7. INVESTIGATION AND ACCESS.** (1) If necessary to determine compliance with the requirements of this chapter, an authorized representative of the state engaged in compliance inspections, monitoring, and testing may, by request, require an owner or operator to submit relevant information or documents. The department may subpoena witnesses, documents, and other relevant information that the department deems necessary. In the case of any refusal to obey the subpoena, the superior court for any county in which the person is found, resides, or transacts business has jurisdiction to issue an order requiring the person to appear before the department and give testimony or produce documents. Any failure to obey the order of the court may be punished by the court as contempt.

(2) Any authorized representative of the state may require an owner or operator to conduct monitoring or testing.

(3) Upon reasonable notice, an authorized representative of the state may enter a premises or site subject to regulation under this chapter or in which records relevant to the operation of an underground storage tank system are kept. In the event of an emergency or in circumstances where notice would undermine the effectiveness of an inspection, notice is not required. The authorized representative may copy these records, obtain samples of regulated substances, and inspect or conduct monitoring or testing of an underground storage tank system.

(4) For purposes of this section, the term "authorized representative" or "authorized representative of the state" means an enforcement officer, employee, or representative of the department or a local government unit that has obtained enforcement authority under section 4 of this act.

**NEW SECTION, Sec. 8. ENFORCEMENT.** The director may seek appropriate injunctive or other judicial relief by filing an action in Thurston county superior court or issue such order as the director deems appropriate to:

(1) Enjoin any threatened or continuing violation of this chapter;

(2) Restrain immediately and effectively a person from engaging in unauthorized activity that results in a violation of any requirement of this chapter and is endangering or causing damage to public health or the environment;

(3) Require compliance with requests for information, access, testing, or monitoring under section 7 of this act; or

(4) Assess and recover civil penalties authorized under section 9 of this act.

**NEW SECTION, Sec. 9. PENALTIES.** (1) A person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) A person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

**NEW SECTION, Sec. 10. ANNUAL TANK FEE.** (1) An annual state tank fee not exceeding fifty dollars per tank shall be paid according to a schedule adopted by the department, but no later than December 31st of each year by every person who:

(a) Owns an underground storage tank located in this state; and

(b) Was required to provide notification to the department under the federal act.

This fee is not required of persons who have (i) permanently closed their tanks, and (ii) if required, have completed corrective action in accordance with the rules adopted under this chapter.

(2) By July 1, 1989, and April 1st of each year thereafter, the department shall establish by rule the amount of the annual state tank fees. The annual state tank fee shall be assessed per tank. The amount shall be based on the size of the tank and shall be set at a level sufficient to pay the reasonable and necessary costs incurred in administering and enforcing this chapter.

(3) The department may authorize the imposition of additional annual local tank fees in environmentally sensitive areas designated under section 5 of this act. Annual local tank fees may not exceed fifty percent of the annual state tank fee.

(4) State and local tank fees collected under this section shall be deposited in the account established under section 11 of this act.

(5) Other than the annual local tank fee authorized for environmentally sensitive areas, no local government may levy an annual tank fee on the ownership or operation of an underground storage tank.

**NEW SECTION, Sec. 11. UNDERGROUND STORAGE TANK ACCOUNT.** The underground storage tank account is created in the state treasury. Money in the account may only be spent, subject to legislative appropriation, for the administration and enforcement of the underground storage tank program established under this chapter. The account shall contain:

(1) All fees collected under section 10 of this act;

(2) All fines or penalties collected under section 9 of this act;

(3) Any interest earned on the account, subject to RCW 43.84.090; and

(4) Fees collected which exceed funds necessary for the administration of this chapter shall be transferred to the pollution liability reinsurance fund to be created under the proposed legislation referenced under section 19(2) of this act.

**NEW SECTION. Sec. 12. PREEMPTION.** (1) Except as provided in section 5 of this act and subsections (2), (3), and (4) of this section, the rules adopted under this chapter supersede and preempt any state or local underground storage tank law, ordinance, or resolution governing any aspect of regulation covered by the rules adopted under this chapter.

(2) Local laws, ordinances, and resolutions pertaining to local authority to take immediate action in response to a release of a regulated substance are not superseded or preempted.

(3) City, town, or county underground storage tank ordinances that are more stringent than the federal regulations and the uniform codes adopted under chapter 19.27 RCW and that are in effect on November 1, 1988, are not superseded or preempted. A city, town, or county with an ordinance that meets these criteria shall notify the department of the existence of that ordinance by July 1, 1989.

(4) Local laws, ordinances, and resolutions pertaining to permits and fees for the use of underground storage tanks in street right of ways that were in existence prior to the effective date of this section are not superseded or preempted.

**NEW SECTION. Sec. 13.** The department shall submit an annual report to the appropriate standing committees of the legislature for five years beginning January 1, 1990, on the implementation of the underground storage tank regulatory program, including a report on state and local tank fees. This report shall detail the number of corrective actions taken with regard to leaking underground storage tanks and their associated costs, including anticipated future cleanup costs.

**NEW SECTION. Sec. 14. SEVERABILITY CLAUSE.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** Section headings used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 16.** Sections 2 through 14 of this act constitute a new chapter in Title 90 RCW.

**NEW SECTION. Sec. 17.** (1) Except as provided in subsection (2) of this section, sections 6, 12, and 18 of this act take effect on July 1, 1990.

(2) This section shall apply only if this act becomes effective as provided under section 19(2) of this act.

Sec. 18. Section 8, chapter 96, Laws of 1974 ex. sess., as amended by section 1, chapter 282, Laws of 1975 1st ex. sess. and RCW 19.27.080 are each amended to read as follows:

Nothing in this (~~1974 act shall~~) chapter affects the provisions of chapters 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, 18.20, 18.46, 18.51, 28A.02, 28A.04, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, (~~or~~) 76.04, or 90.-- (sections 2 through 14 of this act) RCW or grant rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

**NEW SECTION. Sec. 19.** (1) Except as provided in subsection (2) of this section, sections 1 through 5, 7 through 11, 13, and 14 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) This act shall take effect only if House Bill 1180 or Senate Bill 5280, as amended or substituted, or any other bill establishing a state reinsurance program for the owners and operators of underground storage tanks, is enacted before July 1, 1989. If the enactment of such reinsurance bill is subsequent to the date of enactment of this act, this act shall take effect on the date of the enactment of the reinsurance bill."

Senator Vognild moved that the following amendment by Senators Vognild, Talmadge, Rinehart, Conner, Bauer, Bender, Williams, Gaspard, Warnke, Moore, Murray, Niemi and McMullen to the Committee on Ways and Means amendment be adopted:

On page 7, line 36 of the amendment, after "enforcement," insert the following:

"(5) Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, and in Grays Harbor, Willapa Bay and the Columbia River Downstream from the Longview bridge are hereby declared environmentally sensitive areas and there shall be no leasing of such lands for purposes of oil or gas exploration, production or underground storage until at least July 1, 1995."

#### POINT OF ORDER

Senator Newhouse: "I rise to a point of order, Mr. President. My point of order is that the amendment to the committee amendment expands the scope and object of the bill. The bill has to do with underground storage tanks by its title--and only underground storage tanks. It has nothing to do with off shore drilling or anything related."

Debate ensued.

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. We are discussing a point of order. One is permitted to speak on each side; it is not a full fledged debate on a point of order."

REPLY BY THE PRESIDENT

President Pritchard: "We are going to set this down and have a ruling by the President when I have a chance. Can you make your arguments short, Senator Talmadge?"

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1086 was deferred.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1180, by Committee on Revenue (originally sponsored by Representatives Ferguson, Dellwo, Beck, Rust, Wang, Winsley, Van Luven, Nelson, Betrozoff, Chandler, Crane, Bowman, Moyer, Sayan, Spanel, Zellinsky, Dorn, R. King, Pruitt, G. Fisher, Valle, Hine, May, Jones, Walk, K. Wilson, O'Brien, Locke, Brekke, Phillips, Rasmussen, Inslee, Rector, Cooper, Miller, Brumsickle and Ebersole)

Insuring liability for leaks from underground oil storage tanks.

The bill was read the second time.

MOTION

Senator von Reichbauer moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) The legislature finds that:

(a) Final regulations adopted by the United States environmental protection agency (EPA) require owners and operators of underground petroleum storage tanks to demonstrate financial responsibility for accidental releases of petroleum as a precondition to continued ownership and operation of such tanks;

(b) Financial responsibility is demonstrated through the purchase of pollution liability insurance or an acceptable alternative such as coverage under a state financial responsibility program, in the amount of at least five hundred thousand dollars per occurrence and one million dollars annual aggregate depending upon the nature, use, and number of tanks owned or operated;

(c) Many owners and operators of underground petroleum storage tanks cannot purchase pollution liability insurance either because private insurance is unavailable at any price or because owners and operators cannot meet the rigid underwriting standards of existing insurers, nor can many owners and operators meet the strict regulatory standards imposed for alternatives to the purchase of insurance; and

(d) Without a state financial responsibility program for owners and operators of underground petroleum storage tanks, many tank owners and operators will be forced to discontinue the ownership and operation of these tanks.

(2) The purpose of this chapter is to create a state financial responsibility program meeting EPA standards for owners and operators of underground petroleum storage tanks in a manner that:

(a) Minimizes state involvement in pollution liability claims management and insurance administration;

(b) Protects the state of Washington from unwanted and unanticipated liability for accidental release claims;

(c) Creates incentives for private insurers to provide needed liability insurance; and

(d) Parallels generally accepted principles of insurance and risk management.

To that end, this chapter establishes a program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance in accordance with the requirements of this chapter to owners and operators of underground petroleum storage tanks, thereby allowing the owners and operators to comply with the financial responsibility regulations of the EPA.

(3) It is not the intent of this chapter to permit owners and operators of underground petroleum storage tanks to obtain pollution liability insurance without regard to the quality or condition of their storage tanks or without regard to the risk management practices of tank owners and operators, nor is it the intent of this chapter to provide coverage or funding for past or existing petroleum releases. Further, it is the intent of the legislature that the program follow generally accepted insurance underwriting and actuarial principles and to deviate from those principles only to the extent necessary to make pollution liability insurance reasonably affordable and available to owners and operators who meet the requirements of this chapter.

**NEW SECTION.** Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accidental release" means any sudden or nonsudden release of petroleum arising from operating an underground storage tank that results in a need for corrective action, bodily injury, or property damage neither expected nor intended by the owner or operator.

(2) "Administrator" means the Washington pollution liability reinsurance program administrator.

(3) "Bodily injury" means bodily injury, sickness, or disease sustained by any person, including death at any time resulting from the injury, sickness, or disease.

(4) "Corrective action" means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with any statute, ordinance, rule, regulation, directive, order, or similar legal requirement of the United States, the state of Washington, or any political subdivision of the United States or the state of Washington in effect at the time of an accidental release. "Corrective action" includes, when agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. "Corrective action" also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release. "Corrective action" does not include:

(a) Replacement or repair of storage tanks or other receptacles;

(b) Replacement or repair of piping, connections, and valves of storage tanks or other receptacles;

(c) Excavation or backfilling done in conjunction with (a) or (b) of this subsection; or

(d) Testing for a suspected accidental release if the results of the testing indicate that there has been no accidental release.

(5) "Defense costs" include the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(a) The United States, the state of Washington, or any political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(b) A third party for bodily injury or property damage caused by an accidental release.

(6) "Washington pollution liability reinsurance program" or "program" means the excess of loss reinsurance program created by this chapter.

(7) "Insured" means the owner or operator who is provided insurance coverage in accordance with this chapter.

(8) "Insurer" means the insurance company or risk retention group licensed or qualified to do business in Washington and authorized by the administrator to provide insurance coverage in accordance with this chapter.

(9) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a release from an underground storage tank.

(10) "Operator" means a person in control of, or having responsibility for, the daily operation of an underground storage tank.

(11) "Owner" means a person who owns an underground storage tank.

(12) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

(13) "Petroleum" means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure, which means at sixty degrees Fahrenheit and 14.7 pounds per square inch absolute and includes gasoline, kerosene, heating oils, and diesel fuels.

(14) "Property damage" means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

(15) "Release" means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, ground water, surface water, subsurface soils, or the atmosphere.



(16) "Tank" means a stationary device, designed to contain an accumulation of petroleum, that is constructed primarily of nonearthen materials such as wood, concrete, steel, or plastic that provides structural support.

(17) "Underground storage tank" means any one or a combination of tanks including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of the underground pipes connected to the tank) is ten percent or more beneath the surface of the ground.

**NEW SECTION.** Sec. 3. The pollution liability reinsurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the program. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. The earnings on any surplus balances in the pollution liability reinsurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.

**NEW SECTION.** Sec. 4. (1) The Washington pollution liability reinsurance program is created as an independent agency of the state. The administrative head and appointing authority of the program shall be the administrator who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The administrator shall appoint an assistant administrator. The administrator, assistant administrator, and up to three other employees are exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator. The staff is subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant is prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the program administrator. The administrator may call upon other agencies of the state to provide technical support and available information as necessary to assist the administrator in meeting the administrator's responsibilities under this chapter. Agencies shall supply this support and information as promptly as circumstances permit.

(3) The governor shall appoint a standing technical advisory committee that is representative of the public, the petroleum marketing industry, business and local government owners of underground storage tanks, and insurance professionals. Individuals appointed to the technical advisory committee shall serve at the pleasure of the governor and without compensation for their services as members, but may be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) A member of the technical advisory committee of the program is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

**NEW SECTION.** Sec. 5. The administrator may adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

**NEW SECTION.** Sec. 6. The administrator has the following powers and duties:

(1) To design and from time to time revise an excess of loss reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. In designing the reinsurance contract the administrator shall consider common insurance industry excess of loss reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the reinsurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the administrator from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the administrator deems appropriate.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

(8) To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.

(9) To enter into contracts with public and private agencies to assist the administrator in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the administrator.

(10) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the administrator deems advisable.

**NEW SECTION. Sec. 7. (1)** All examination and proprietary reports and information obtained by the administrator and the administrator's staff in soliciting bids from insurers and in monitoring the insurer selected by the administrator shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the administrator may furnish all or part of examination reports prepared by the administrator or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the administrator to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

(c) The attorney general in his or her role as legal advisor to the administrator.

(3) Subsection (1) of this section notwithstanding, the administrator may furnish all or part of the examination or proprietary reports or information obtained by the administrator to:

(a) The Washington state insurance commissioner; and

(b) A person, firm, corporation, association, governmental body, or other entity with whom the administrator has contracted for services necessary to perform his or her official duties.

(4) Examination reports and proprietary information obtained by the administrator and the administrator's staff are not subject to public disclosure under chapter 42.17 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 8. (1)** In selecting an insurer to provide pollution liability insurance coverage to owners and operators of underground storage tanks, the administrator shall evaluate bids based upon criteria established by the administrator that shall include:

(a) The insurer's ability to underwrite pollution liability insurance;

(b) The insurer's ability to settle pollution liability claims quickly and efficiently;

(c) The insurer's estimate of underwriting and claims adjustment expenses;

(d) The insurer's estimate of premium rates for providing coverage;

(e) The insurer's ability to manage and invest premiums; and

(f) The insurer's ability to provide risk management guidance to insureds.

The administrator shall select the bidder most qualified to provide insurance consistent with this chapter and need not select the bidder submitting the least expensive bid. The administrator may consider bids by groups of insurers and management companies who propose to act in concert in providing coverage and who otherwise meet the requirements of this chapter.

(2) The successful bidder shall agree to provide liability insurance coverage to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action consistent with the following minimum standards:

(a) The insurer shall provide coverage for defense costs.

(b) The insurer shall collect a deductible from the insured for corrective action in an amount approved by the administrator.

(c) The insurer shall provide coverage for accidental releases in the amount of five hundred thousand dollars per occurrence and one million dollars annual aggregate but no more than one million dollars per occurrence and two million dollars annual aggregate exclusive of defense costs.

(d) The insurer shall require insurance applicants to meet at least the following underwriting standards before issuing coverage to the applicant:

(l) The applicant must be in compliance with statutes, ordinances, rules, regulations, and orders governing the ownership and operation of underground storage tanks as identified by the administrator by rule; and

(li) The applicant must exercise adequate underground storage tank risk management as specified by the administrator by rule.

(e) The insurer may exclude coverage for losses arising before the effective date of coverage, and the administrator may adopt rules establishing standards for determining whether a loss was incurred before the effective date of coverage.

(f) The insurer may exclude coverage for bodily injury, property damage, and corrective action as permitted by the administrator by rule.

(g) The insurer shall use a variable rate schedule approved by the administrator taking into account tank type, tank age, and other factors specified by the administrator.

(3) The administrator shall adopt all rules necessary to implement this section. In developing and adopting rules governing rates, deductibles, underwriting standards, and coverage conditions, limitations, and exclusions, the administrator shall balance the owner and operator's need for coverage with the need to maintain the actuarial integrity of the program and shall consult with the standing technical advisory committee established under section 4(3) of this act. In developing and adopting rules governing coverage exclusions affecting corrective action, the administrator shall consult with the Washington state department of ecology.

(4) Notwithstanding the definitions contained in section 2 of this act, the administrator may permit an insurer to use different words or phrases describing the coverage provided under the program. In permitting such deviations from the definitions contained in section 2 of this act, the administrator shall consider the regulations adopted by the United States environmental protection agency requiring financial responsibility by owners and operators of underground petroleum storage tanks.

(5) Owners and operators of underground storage tanks or sites containing underground storage tanks where a preexisting release has been identified or where the owner or operator knows of a preexisting release are eligible for coverage under the program subject to the following conditions:

(a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with the insurer, the owner or operator has the burden of proving that the claim is not related to a preexisting release until the owner or operator demonstrates to the satisfaction of the administrator that corrective action has been completed.

**NEW SECTION, Sec. 9.** If the insurer cancels or refuses to issue or renew a policy, the affected owner or operator may appeal the insurer's decision to the administrator. The administrator shall conduct a brief adjudicative proceeding under chapter 34.05 RCW.

**NEW SECTION, Sec. 10.** (1) The activities and operations of the program are exempt from the provisions and requirements of Title 48 RCW and to the extent of their participation in the program, the activities and operations of the insurer selected by the administrator to provide liability insurance coverage to owners and operators of underground storage tanks are exempt from the requirements of Title 48 RCW except for:

(a) Chapter 48.03 RCW pertaining to examinations;

(b) RCW 48.05.250 pertaining to annual reports;

(c) Chapter 48.12 RCW pertaining to assets and liabilities;

(d) Chapter 48.13 RCW pertaining to investments;

(e) Chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices; and

(f) Chapter 48.92 RCW pertaining to liability risk retention.

(2) To the extent of their participation in the program, the insurer selected by the administrator to provide liability insurance coverage to owners and operators of underground storage tanks shall not participate in the Washington insurance guaranty association nor shall the association be liable for coverage provided to owners and operators of underground storage tanks issued in connection with the program.

**NEW SECTION, Sec. 11.** (1) The administrator shall report to the legislature by January 1, 1990, on the estimated costs to the insured and the state of implementing the program including proposed coverage, rates, and underwriting the insurer recommended by the administrator. The administrator shall seek advice from the department of revenue on the tax rate imposed under section 16 of this act and include a recommendation in the report on any necessary tax rate adjustments.

(2) Until and unless the legislature enacts legislation authorizing the administrator to fully implement the program, the administrator shall take no action nor enter into any contract that binds the state to providing pollution liability insurance or reinsurance as provided in this chapter.

(3) Nothing contained in this section shall prohibit the administrator from entering into contracts to assist in the development or analysis of information necessary to complete the report to the legislature nor shall this section prohibit the administrator from entering into contracts to analyze and design insurance and reinsurance policies to the extent necessary to develop the probable costs of full program implementation.

**NEW SECTION.** Sec. 12. The legislature reserves the right to amend or repeal all or any part of this chapter at any time, and there is no vested right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done under it exist subject to the power of the legislature to amend or repeal this chapter at any time.

**NEW SECTION.** Sec. 13. This chapter shall expire June 1, 1995.

**NEW SECTION.** Sec. 14. It is the intent of this chapter to impose a tax only once for each petroleum product possessed in this state and to tax the first possession of all petroleum products. This chapter is not intended to exempt any person from tax liability under any other law.

**NEW SECTION.** Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

**NEW SECTION.** Sec. 16. (1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be fifty one-hundredths of one percent multiplied by the wholesale value of the petroleum product.

(2) Moneys collected under this chapter shall be deposited in the pollution liability reinsurance program trust account under section 3 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) If the balance of the pollution liability reinsurance program trust account at the end of any fiscal year is estimated at fifteen million dollars or more, the department of revenue shall not collect during the ensuing fiscal year the tax imposed by this section. If at the end of any fiscal year the balance of the account is estimated at seven and one-half million dollars or less, the department shall collect the tax during the ensuing fiscal year and so continue the collection until the account has reached the amount of fifteen million dollars.

**NEW SECTION.** Sec. 17. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed petroleum product. If tax due under this chapter has not been paid with respect to a petroleum product, the department may collect the tax from any person who has had possession of the petroleum product. If the tax is paid by any person other than the first person having taxable possession of a petroleum product, the amount of tax paid shall constitute a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any possession of a petroleum product by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person.

(3) Persons or activities which the state is prohibited from taxing under the United States Constitution.

(4) Any persons possessing a petroleum product where such possession first occurred before the effective date of this section.

(5) Any possession of (a) natural gas, (b) petroleum coke, or (c) liquid fuel or fuel gas used in petroleum processing.

(6) Any possession of petroleum products that are exported for use or sale outside this state as fuel.

(7) Any possession of petroleum products packaged for sale to ultimate consumers.

**NEW SECTION.** Sec. 18. (1) Credit shall be allowed in accordance with rules of the department of revenue for taxes paid under this chapter with respect to fuel carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.

(2) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any petroleum product tax paid to another state with respect to the

same petroleum product. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that petroleum product. For the purpose of this subsection:

(a) "Petroleum product tax" means a tax:

(i) That is imposed on the act or privilege of possessing petroleum products, and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the value of the petroleum product, in terms of wholesale value or other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax.

(b) "State" means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 19. (1) The sum of three million dollars, or so much thereof as may be necessary, is appropriated from the toxics control reserve account to the pollution liability reinsurance program trust account, for the biennium ending June 30, 1991, subject to transfer to the toxics control reserve account from the state toxics control and local toxics control accounts pursuant to RCW 70.105B.230(2) including accrued interest from July 1, 1988, as determined by the state treasurer. If these funds plus accrued interest are otherwise dedicated or not available, an equal sum is appropriated to the pollution liability reinsurance program trust account from the general fund—state appropriation to the department of ecology.

(2) The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991, to carry out the purposes of this act.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Sections 1 through 13 of this act constitute a new chapter in Title 70 RCW. Sections 14 through 18 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except sections 14 through 19 of this act shall take effect July 1, 1989."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking Committee on Ways and Means amendment to Second Substitute House Bill No. 1180.

The motion by Senator von Reichbauer carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Matson, the following title amendment was adopted:

On line 1 of the title, after "tanks;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency."

On motion of Senator Pullen, the rules were suspended, Second Substitute House Bill No. 1180, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1180, as amended by the Senate.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1180, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Johnson - 1.

Excused: Senators DeJarnatt, Hansen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1180, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5066 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 8, chapter 206, Laws of 1977 ex. sess. and RCW 9.01.200 are each amended to read as follows:

(1) No person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any reasonable means necessary, himself or herself, his or her family, or his or her real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of (~~aggravated~~) assault, (~~armed~~) robbery, (~~holdup~~) kidnapping, arson, burglary, rape, murder, or any other heinous crime.

(2) When a substantial question of self defense in such a case shall exist which needs legal investigation or court action for the full determination of the facts, and the defendant's actions are subsequently found justified under the intent of this section, the state of Washington shall indemnify or reimburse such defendant for all loss of time, legal fees, or other expenses involved in his or her defense. This indemnification or reimbursement is an award of reasonable costs which include loss of time, legal fees, or other expenses and is not an independent cause of action. The determination of an award shall be by the judge or jury at the discretion of the judge in the criminal proceeding. To award these reasonable costs the trier of fact must find that the defendant's claim of self-defense was sustained by a preponderance of the evidence: PROVIDED, HOWEVER, That nothing shall preclude the legislature from granting a higher award through the sundry claims process.

(3) Whenever the issue of self defense under this section is decided by a judge or whenever a judge exercises the discretion authorized under subsection (2) of this section in determining an award, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

(4) Whenever the issue of self defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, and the judge has submitted an award determination to the jury, the court shall instruct the jury to return a special verdict in substantially the following form:

answer  
yes or no

1. Was the finding of not guilty based upon self defense? .....

2. If your answer to question 1 is no, do not answer the remaining question.

3. If your answer to question 1 is yes, was the defendant:

a. Protecting himself or herself? .....

b. Protecting his or her family? .....

c. Protecting his or her property? .....

d. Coming to the aid of another who was in imminent danger of a heinous crime? .....

e. Coming to the aid of another who was the victim of a heinous crime? .....

NEW SECTION. Sec. 2. RCW 9.01.200 is hereby decodified and recodified as a new section in chapter 9A.16 RCW."

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "amending RCW 9.01.200; and recodifying RCW 9.01.200."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Pullen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5066.

## POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, as you know, this permits the submission of the question about self defense costs to either the judge or to the jury. Would it be your intention as chairman of the Senate Law and Justice Committee, that if the question were submitted to the jury, that the question relating to costs for self defense would be treated in a proceeding separate from the guilt phase of the trial of the defendant?"

Senator Pullen: "That would be my intention and that was always, I believe, the intention of the committee."

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendments to Substitute Senate Bill No. 5066.

The motion by Senator Pullen carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5066.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5066, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Niemi - 1.

Absent: Senators Rinehart, von Reichbauer - 2.

Excused: Senators DeJarnatt, Hansen - 2.

SUBSTITUTE SENATE BILL NO. 5066, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5022,

SUBSTITUTE SENATE BILL NO. 5142,

SENATE BILL NO. 5231,

SENATE BILL NO. 5676.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5009,

SECOND SUBSTITUTE SENATE BILL NO. 5011,

SUBSTITUTE SENATE BILL NO. 5033,

SENATE BILL NO. 5090,

SUBSTITUTE SENATE BILL NO. 5138,

SUBSTITUTE SENATE BILL NO. 5234,

SUBSTITUTE SENATE BILL NO. 5252,

SUBSTITUTE SENATE BILL NO. 5362,

SENATE BILL NO. 5403,

SUBSTITUTE SENATE BILL NO. 5419,

SUBSTITUTE SENATE BILL NO. 5441,

SENATE BILL NO. 5464,

SUBSTITUTE SENATE BILL NO. 5472,

SUBSTITUTE SENATE BILL NO. 5481,

SENATE BILL NO. 5715.

#### MOTION

On motion of Senator Bender, Senator Rinehart was excused.

#### MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5111 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall establish, by rule, inmate eligibility standards for participation in the work release program:

(2) The department shall:

(a) Conduct an annual examination of each work release facility and its security procedures;

(b) Investigate and set standards for the inmate supervision policies of each work release facility;

(c) Establish physical standards for future work release structures to ensure the safety of inmates, employees, and the surrounding communities;

(d) Evaluate its recordkeeping of serious infractions to determine if infractions are properly and consistently assessed against inmates eligible for work release;

(e) Report to the legislature on a case management procedure to evaluate and determine those inmates on work release who are in need of treatment. The department shall establish in the report a written treatment plan best suited to the inmate's needs, cost, and the relationship of community placement and community corrections officers to a system of case management;

(f) Adopt a policy to encourage businesses employing work release inmates to contact the appropriate work release facility whenever an inmate is absent from his or her work schedule. The department of corrections shall provide each employer with written information and instructions on who should be called if a work release employee is absent from work or leaves the job site without authorization; and

(g) Develop a siting policy, in conjunction with cities, counties, community groups, and the department of community development for the establishment of additional work release facilities. Such policy shall include at least the following elements: (i) Guidelines for appropriate site selection of work-release facilities; (ii) notification requirements to local government and community groups of intent to site a work release facility; and (iii) guidelines for effective community relations by the work release program operator.

The department shall comply with the requirements of this section by July 1, 1990."

On page 1, line 1 of the title, after "release," strike the remainder of the title and insert "and adding a new section to chapter 72.65 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTIONS

Senator Pullen moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5111.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5111.

The motion by Senator Pullen carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5111.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5111, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5111, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thornness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5111, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5151 with the following amendment:

On page 2, line 7 after "parks," insert a new subsection to read as follows:

"(4) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in



2(a), 2(b), or 2(c). The holder shall have the pass returned upon providing proof to the satisfaction of the director of the parks and recreation commission that the holder does meet the eligibility criteria for obtaining the senior citizen's pass."

Re-number remaining subsections consecutively..

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Substitute Senate Bill No. 5151.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5151, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5151, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Kreidler - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5151, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5275 with the following amendments:

On page 1, line 19 after "exposure to" strike "electromagnetic" and insert "electric and magnetic"

On page 1, line 23 after "Sec. 3" strike all material through "(2)" on line 27

On page 1, line 2 of the title strike "; and making an appropriation".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5275.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5275, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGES FROM THE HOUSE

April 11, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1026,

HOUSE BILL NO. 1249, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 11, 1989

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4412, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 11, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1010,

HOUSE BILL NO. 1024,

HOUSE BILL NO. 1038,

SUBSTITUTE HOUSE BILL NO. 1039,

HOUSE BILL NO. 1049,

SUBSTITUTE HOUSE BILL NO. 1168,

SUBSTITUTE HOUSE BILL NO. 1169,

HOUSE BILL NO. 1170,

SUBSTITUTE HOUSE BILL NO. 1259,

HOUSE BILL NO. 1289,

HOUSE BILL NO. 1350, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5418 with the following amendments:

On page 4, line 1 strike "July 1, 1991" and insert "September 1, 1990"

On page 4, line 6 strike "July 1, 1991" and insert "September 1, 1990"

On page 4, line 11 strike "July 1, 1991" and insert "September 1, 1990"

On page 4, line 36 strike "July 1, 1991" and insert "September 1, 1990"

On page 5, line 13 strike "July 1, 1991" and insert "September 1, 1990"

On page 5, line 24 strike "July 1, 1991" and insert "September 1, 1990"

On page 5, line 30 strike "January 1, 1991" and insert "January 1, 1990"

On page 22, line 32 strike "July 1, 1991" and insert "September 1, 1990"

On page 29, line 25 strike "July 1, 1991" and insert "September 1, 1990".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator McDonald moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5418.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDonald that the Senate do concur in the House amendments to Substitute Senate Bill No. 5418.

The motion by Senator McDonald carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5418.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5418, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1010,

HOUSE BILL NO. 1024,

HOUSE BILL NO. 1026,

HOUSE BILL NO. 1038,

SUBSTITUTE HOUSE BILL NO. 1039,

HOUSE BILL NO. 1049,

SUBSTITUTE HOUSE BILL NO. 1168,

SUBSTITUTE HOUSE BILL NO. 1169,

HOUSE BILL NO. 1170,

HOUSE BILL NO. 1249,

SUBSTITUTE HOUSE BILL NO. 1259,

HOUSE BILL NO. 1289,

HOUSE BILL NO. 1350,

HOUSE CONCURRENT RESOLUTION NO. 4412.

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5440 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 377, Laws of 1985 as amended by section 1, chapter 311, Laws of 1987 and by section 739, chapter 330, Laws of 1987 and RCW 46.55.010 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in ~~(his)~~ the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a ~~((motor))~~ vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

((6)) (7) "Residential property" means property that has no more than four living units located on it.

((7)) (8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

((8)) (9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

((9)) (10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

((10)) (11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

((11)) (12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW ~~((46-61-565))~~ 46.55.113 . . . . . Immediately

(ii) On a highway and tagged as described in RCW ~~((46-52-170))~~ 46.55.085 . . . . . 24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 . . . . . Immediately

(b) Private locations:

(i) On residential property . . . . . Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.070 . . . . . Immediately

(iii) On private, nonresidential property, not posted . . . . . 24 hours

Sec. 2. Section 2, chapter 377, Laws of 1985 and RCW 46.55.020 are each amended to read as follows:

A person ~~((who engages))~~ shall not engage in or offer~~((s))~~ to engage in the activities of a registered tow truck operator ~~((shall not do so))~~ without ~~((first obtaining))~~ a current registration certificate from the department of licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

A registered operator who engages in a business practice that is prohibited under this chapter may be issued a notice of traffic infraction under chapter 46.63 RCW and is also subject to the civil penalties that may be imposed by the department under this chapter. A person found to have committed an offense that is a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars. All traffic infractions issued under this chapter shall be under the jurisdiction of the district court in whose jurisdiction they were issued.

Sec. 3. Section 3, chapter 377, Laws of 1985 as amended by section 2, chapter 311, Laws of 1987 and RCW 46.55.030 are each amended to read as follows:

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or ~~((his))~~ an agent, and shall include the following information:

(a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;

(b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;

(c) The names and addresses of all employees who serve as tow truck drivers;

(d) Proof of minimum insurance required by subsection (3) of this section;

(e) The vehicle license and vehicle identification numbers of all tow trucks of which the applicant is the registered owner;

(f) Any other information the department may require; and

~~((f))~~ (g) A certificate of approval from ~~((the chief of police over the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of))~~ the Washington state patrol~~((:))~~ certifying that:

(i) The applicant has an established place of business and that mail is received at the address shown on the application;

(ii) The address of any storage locations where vehicles may be stored is correctly stated on the application;

(iii) The place of business has an office area that is accessible to the public without entering the storage area; and

~~((##))~~ (iv) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

NEW SECTION, Sec. 4. A new section is added to chapter 46.55 RCW to read as follows:

(1) No registered tow truck operator may:

(a) Ask for or receive any compensation, gratuity, reward, or promise thereof from a person having control or possession of private property or from an agent of the person authorized to sign an impound authorization, for or on account of the impounding of a vehicle;

(b) Be beneficially interested in a contract, agreement, or understanding that may be made by or between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization;

(c) Have a financial, equitable, or ownership interest in a firm, partnership, association, or corporation whose functions include acting as an agent or a representative of a property owner for the purpose of signing impound authorizations.

(2) This section does not prohibit the registered tow truck operator from collecting the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing of an impounded vehicle as provide by RCW 46.55.120.

(3) A violation of this section is a gross misdemeanor.

Sec. 5. Section 4, chapter 377, Laws of 1985 and RCW 46.55.040 are each amended to read as follows:

(1) A registered operator shall apply for and keep current a tow truck permit for each tow truck of which the operator is the registered owner. Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck ~~((to be))~~ capable of being used by the applicant.

(2) Upon receipt of the fee provided in RCW 46.55.030(4) and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck permit or decal. The class of the tow truck, determined according to RCW 46.55.050, shall be stamped on the permit or decal. The permit or decal shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities during the operators' normal business hours. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities. At the time of the inspection, the operator shall provide a paper copy of the master log referred to in RCW 46.55.080.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag.

Sec. 6. Section 6, chapter 377, Laws of 1985 as amended by section 3, chapter 311, Laws of 1987 and RCW 46.55.060 are each amended to read as follows:

(1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) Before an additional lot may be used for vehicle storage, it must be inspected and approved by the state patrol. The lot must also be inspected and approved on an annual basis for continued use.

(3) Each business location must have a sign displaying the firm's name that is readable from the street.

(4) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in RCW 46.55.120(1)(b).

~~((2)) Ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.~~

~~(4)) (5) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.~~

~~((5)) (6) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8:00 a.m. to 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.~~

~~((6)) (7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.~~

~~((7) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize such impounds, and the present charge of a private impound for the classes of tow trucks to be used in such impound, and shall be retained in the files of the registered tow truck operator for three years.~~

~~(8) Any fee that is charged for the storage of a vehicle shall be calculated on a twenty-four hour basis, and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area.~~

~~(9) All billing invoices that are provided to the redeemer of the vehicle shall be itemized so that the individual fees are clearly discernable.)~~

(8) A registered operator shall provide access to a telephone for any person redeeming a vehicle, at the time of redemption.

NEW SECTION. Sec. 7. A new section is added to chapter 46.55 RCW to read as follows:

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) A fee that is charged for the storage of a vehicle must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(5) All billing invoices that are provided to the redeemer of the vehicle must be itemized so that the individual fees are clearly discernable.

Sec. 8, Section 8, chapter 377, Laws of 1985 as amended by section 5, chapter 311, Laws of 1987 and RCW 46.55.080 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(12), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or (his) an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

Sec. 9, Section 10, chapter 377, Laws of 1985 as amended by section 8, chapter 311, Laws of 1987 and RCW 46.55.100 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports (unless the impoundment was requested by that). A law enforcement agency shall immediately provide to a requesting operator the name and address of the legal and registered owners of the vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle for the vehicle identification number and check the necessary records to determine the vehicle's owners.

Sec. 10, Section 11, chapter 377, Laws of 1985 as amended by section 9, chapter 311, Laws of 1987 and RCW 46.55.110 are each amended to read as follows:

(1) (In the case of) When an unauthorized vehicle is impounded (from public property, the law enforcement agency or other public official directing the impoundment, or in the case of a vehicle impounded from private property), the impounding towing operator (:) shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by

whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, within twenty-four hours after receiving information on the vehicle owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle if the vehicle has been redeemed.

Sec. 11. Section 12, chapter 377, Laws of 1985 as amended by section 12, chapter 311, Laws of 1987 and RCW 46.55.120 are each amended to read as follows:

(1) Vehicles impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle, or one who has purchased a vehicle from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, ~~((and))~~ the registered and legal owners of the vehicle, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be ~~((invalid))~~ in violation of this chapter, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage fees, and any bond or other security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment for reasonable damages for loss of the use of



the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: .....

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the  
Court located at ..... in the sum of \$..... in an action entitled  
Case No. .... YOU ARE FURTHER NOTIFIED that attorneys fees and costs will  
be awarded against you under RCW ... if the judgment is not paid within 15 days of  
the date of this notice.  
 DATED this ... day of ... 19 .....

Signature .....

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle may be redeemed at any time before the start of the auction upon payment of towing and storage fees.

Sec. 12. Section 13, chapter 377, Laws of 1985 as amended by section 13, chapter 311, Laws of 1987 and RCW 46.55.130 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(2) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

((g)) (h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

((h)) (i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within thirty days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4) (a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(2).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

Sec. 13. Section 14, chapter 377, Laws of 1985 as amended by section 14, chapter 311, Laws of 1987 and RCW 46.55.140 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 is relieved of liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

Sec. 14. Section 15, chapter 377, Laws of 1985 as amended by section 15, chapter 311, Laws of 1987 and RCW 46.55.150 are each amended to read as follows:

The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

- (1) A signed impoundment authorization as required by RCW 46.55.080;
- (2) A record of the twenty-four hour written impound notice to a law enforcement agency;
- (3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded;
- (4) A copy of the abandoned vehicle report that was sent to and returned by the department;
- (5) A copy and proof of mailing of the notice of custody and sale sent by the registered tow truck operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;
- (6) A copy of the published notice of public auction;
- (7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;
- (8) A record of the two highest bid offers on the vehicle, with the names, addresses, and telephone numbers of the two bidders;
- (9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;
- (10) An itemized invoice of charges against the vehicle.

The transaction file shall be kept for a minimum of three years.

Sec. 15. Section 18, chapter 377, Laws of 1985 as amended by section 742, chapter 330, Laws of 1987 and RCW 46.55.180 are each amended to read as follows:

The director or the chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding ~~((infractions by registered tow truck operators of))~~ licensing provisions under this chapter ~~((chapter 46.37 RCW;))~~ or rules adopted ~~((thereunder))~~ under it.

Sec. 16. Section 20, chapter 377, Laws of 1985 and RCW 46.55.200 are each amended to read as follows:

A registered tow truck operator's license may be denied, suspended, or revoked, or the licensee may be ordered to pay a monetary penalty of a civil nature, not to exceed one thousand dollars per violation, or the licensee may be subjected to any combination of license and monetary penalty, whenever the director has reason to believe the licensee has committed, or is at the time committing, a violation of this chapter or rules adopted under it or any other statute or rule relating to the title or disposition of vehicles or vehicle hulks, including but not limited to:

(1) Towing any abandoned vehicle without first obtaining and having in ((his)) the operator's possession at all times while transporting it, appropriate evidence of ownership or an impound authorization properly executed by the private person or public official having control over the property on which the unauthorized vehicle was found;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to unauthorized or abandoned vehicles or automobile hulks;

(3) Failing to comply with the statutes and rules relating to the processing and sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state surplus funds derived from the sale of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle that he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the statutes and rules relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after the assessment becomes final.

All orders by the director made under this chapter are subject to the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW.

Sec. 17, Section 24, chapter 377, Laws of 1985 as amended by section 20, chapter 311, Laws of 1987 and RCW 46.55.240 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

((c)) (d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of unauthorized junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

**NEW SECTION.** Sec. 18. A new section is added to chapter 46.55 RCW to read as follows:

This chapter does not apply to the state department of transportation to the extent that it may remove vehicles that are traffic hazards from bridges and the mountain passes without prior authorization. If such a vehicle is removed, the department shall immediately notify the appropriate local law enforcement agency, and the vehicle shall be processed in accordance with RCW 46.55.110.

**NEW SECTION.** Sec. 19. The department of licensing and the Washington state patrol shall conduct a study of the fees charged for registration of low truck operators and low trucks and the costs of administering the tow truck operator program in the department and the Washington state patrol to determine what fees would be necessary to defray the program costs. The department and the state patrol shall report the study findings to the legislative transportation committee by December 1, 1989.

Sec. 20. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, by section 55, chapter 244, Laws of 1987, by section 6, chapter 247, Laws of 1987 and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

~~((8) RCW 46.16.011 relating to permitting unauthorized persons to drive;))~~

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(19) RCW 46.48.175 relating to the transportation of dangerous articles;

(20) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(21) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(22) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(23) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(24) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(25) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(26) Section 4 of this act relating to prohibited practices by tow truck operators;

(27) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

((27)) (28) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

((28)) (29) RCW 46.61.022 relating to failure to stop and give identification to an officer;

((29)) (30) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

((30)) (31) RCW 46.61.500 relating to reckless driving;

((31)) (32) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

((32)) (33) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

((33)) (34) RCW 46.61.522 relating to vehicular assault;

((34)) (35) RCW 46.61.525 relating to negligent driving;

((35)) (36) RCW 46.61.530 relating to racing of vehicles on highways;

((36)) (37) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

((37)) (38) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

((38)) (39) RCW 46.64.020 relating to nonappearance after a written promise;

((39)) (40) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

((40)) (41) Chapter 46.65 RCW relating to habitual traffic offenders;

((41)) (42) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

((42)) (43) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

((43)) (44) Chapter 46.80 RCW relating to motor vehicle wreckers;

((44)) (45) Chapter 46.82 RCW relating to driver's training schools;

((45)) (46) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

((46)) (47) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION, Sec. 21. Section 2, chapter 167, Laws of 1977 ex. sess., section 743, chapter 330, Laws of 1987 and RCW 46.61.563 are each repealed.

NEW SECTION, Sec. 22. RCW 46.61.567 is recodified as a section in chapter 46.55 RCW."

On line 1 of the title, after "trucks;" strike the remainder of the title, and insert "amending RCW 46.55.020, 46.55.030, 46.55.040, 46.55.060, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.180, 46.55.200, and 46.55.240; reenacting and amending RCW 46.55.010 and 46.63.020; adding new sections to chapter 46.55 RCW; creating a new section; recodifying RCW 46.61.567; repealing RCW 46.61.563; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTIONS

On motion of Senator Nelson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5440.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5440, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5440, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

ENGROSSED SENATE BILL NO. 5440, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5536 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 7, chapter 107, Laws of 1988 and RCW 41.05.055 are each amended to read as follows:

(1) The state employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees.

(2) The board shall be composed of seven members appointed by the governor as follows:

(a) Three representatives of state employees, one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees (~~and~~); one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Three members with experience in health benefit management and cost containment; and

(c) The administrator.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair."

On page 1, line 1 of the title, after "board," strike the remainder of the title and insert "and amending RCW 41.05.055."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 5536 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SENATE BILL NO. 5579 with the following amendments:

Strike everything after the enacting clause and insert the following:

A new section is added to chapter 43.88 RCW to read as follows:

"NEW SECTION. Sec. 1. State agencies may report past due accounts receivable to credit reporting agencies whenever the agency determines that such reporting would be cost-effective and does not violate confidentiality or other legal requirements. Within thirty-five days after satisfaction of a debt reported to a credit reporting agency, the state agency reporting the debt shall notify the credit reporting agency that the debt has been satisfied. The office of financial management shall examine the potential of devising a central debtor identification system containing the names of persons owing substantial amounts to the state, together with the amounts owed, and providing for the automatic identification of such persons prior to the making of any state payment to them. The examination shall include the estimated costs and benefits of such a system."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding a new section to chapter 43.88 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator West moved that the Senate do concur in the House amendments to Senate Bill No. 5579.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendments to Senate Bill No. 5579.

The motion by Senator West carried and the Senate concurred in the House amendments to Senate Bill No. 5579.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5579, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5579, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SENATE BILL NO. 5579, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5614 with the following amendments:

On page 3, after line 15 add a new section to read as follows:

"NEW SECTION, Sec. 4. The sum of three hundred and ten thousand, five hundred and sixty dollars, or as much thereof as may be necessary, is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1991 to carry out the purposes of this act."

Renumber the remaining sections consecutively.

On page 1, line 4 of the title after "18.130 RCW:" insert "making an appropriation:".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator West, the Senate concurred in the House amendments to Substitute Senate Bill No. 5614.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5614, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5614, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5614, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5746 with the following amendments:

On page 1, line 26 after "truck" insert "or bus"

On page 1, line 29 after "truck" insert "or bus".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5746.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5746, as amended by the House.

#### CONFLICT OF INTEREST

Senator Talmadge requested to be excused from voting on Substitute Senate Bill No. 5746, as amended by the House, because of a possible conflict of interest.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5746, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5746, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5782 with the following amendments:

On page 2, line 24 strike "two hundred fifty" and insert "five hundred"

On page 2, line 29 strike "two hundred fifty" and insert "five hundred",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Substitute Senate Bill No. 5782.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5782, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5782, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5782, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5790 with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** The ability of individuals to obtain information relating to their residential mortgage loans is vital to the financial needs of mortgagors in Washington. The public interest is adversely affected when a residential mortgage loan's servicing is sold or transferred with insufficient notification given to the mortgagor. In addition, mortgagors may experience difficulty in obtaining various mortgage loan information including information concerning mortgage loan prepayments, reserve accounts, and adjustments to monthly payments. The legislature finds that the legitimate interests of mortgagors and mortgage loan servicers are served if the disclosure of the potential sale of loan servicing is made to the mortgagor, reasonable notification of a residential mortgage loan servicing's sale is made, and continued mortgagor access to information regarding the mortgage loan is promoted.

**NEW SECTION, Sec. 2.** Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Lender" shall mean any person in the business of making a loan.

(2) "Loan" shall mean any loan used to finance the acquisition of a one-to-four family owner occupied residence located in this state.

(3) "Purchasing servicing agent" is any person who purchases, receives through transfer or assignment, or otherwise acquires the responsibility of the servicing for a loan.

(4) "Person" shall include an individual, firm, association, partnership, business, trust, corporation, or any other legal entity whether resident or nonresident.

**NEW SECTION, Sec. 3.** (1) If the servicing for the loan is subject to sale, transfer, or assignment, a lender shall so disclose in writing at the time of or prior to loan closing and shall also disclose in the same writing that when such servicing is sold, transferred, or assigned, the purchasing servicing agent is required to provide notification to the mortgagor. If a lender, which has not provided the notice required by this subsection, consolidates with, merges with or is acquired by another institution, and thereafter loan servicing becomes subject to sale, transfer, or assignment, that institution shall within thirty days of such transaction make the disclosure in writing to the obligor primarily responsible for repaying each loan according to the records of the lender.

(2) If the servicing of a loan is sold, assigned, transferred, or otherwise acquired by another person, the purchasing servicing agent shall:

(a)(i) Issue corrected coupon or payment books, if used and necessary;

(ii) Provide notification to the mortgagor at least thirty days prior to the due date of the first payment to the purchasing servicing agent, of the name, address, and telephone number of the division from whom the mortgagor can receive information regarding the servicing of the loan; and

(iii) Inform the mortgagor of changes made regarding the servicing requirements including, but not limited to, interest rate, monthly payment amount, and escrow balance; and

(b) Respond within fifteen business days upon receipt of a written request for information from a mortgagor. A written response must include the telephone number of the company division who can assist the mortgagor.

(3) Any person injured by a violation of this chapter may bring an action for actual damages and reasonable attorneys' fees and costs incurred in bringing the action.

**NEW SECTION, Sec. 4.** Sections 1 through 3 of this act shall constitute a new chapter in Title 19 RCW.

**NEW SECTION, Sec. 5.** This act shall take effect on January 1, 1990.

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5790.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5790, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 44.

Absent: Senators Hayner, Wojahn - 2.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5809 with the following amendments:

On page 1, line 9 after "least" strike "five" and insert "~~((five))~~ four"

On page 1, line 17 after "least" strike "nine" and insert "~~((nine))~~ seven"

On page 1, line 22 after "signs" strike the remainder of the subsection and insert "may be erected on each interstate or state route located within five miles of the shopping center;".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5809.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5809, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5809, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Talmadge - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

ENGROSSED SENATE BILL NO. 5809, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 4, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5871 with the following amendment:

On page 1, beginning on line 10 after "business" strike all material through "or delivery of" on line 11 and insert "solely engaged in the sale or sale and delivery of".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5871.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5871, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5871, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Sutherland - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

ENGROSSED SENATE BILL NO. 5871, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1086 and the pending amendment by Senator Vognild and others on page 7, line 36, to the Committee on Ways and Means striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Engrossed Substitute House Bill No. 1086 is a measure regulating underground storage tanks by establishing an underground storage tank regulatory program within the Department of Ecology; establishes certification programs; allows for city and county involvement in certain instances; establishes enforcement procedures and allows the imposition of tank fees.

"The amendment proposed by Senator Vognild and others to the Committee on Ways and Means amendment, would prohibit leasing of submerged lands off certain portions of the Washington coast for purposes of oil and gas exploration, production or underground storage until at least July 1, 1995.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Vognild and others to the striking Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1086 was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1086.

Debate ensued.

The Committee on Ways and Means amendment to Engrossed Substitute Senate Bill No. 1086 was adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "tanks;" strike the remainder of the title and insert "amending RCW 19.27.080; adding a new chapter to Title 90 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1086, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1086, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1086, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1553 and the pending amendment by Senators Anderson, Lee, Saling, Stratton and McCaslin on page 21, after line 17, and the pending amendment by Senators Anderson and Lee on page 21, after line 17, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Engrossed Substitute House Bill No. 1553 is a measure which establishes a public body known as the Economic Development Finance Authority. The Authority is authorized to assist small and medium businesses' capital needs through the issuance of nonrecourse bonds.

"The amendments previously adopted by the Senate (1) allow the Authority to contract with industrial development corporations organized pursuant to Chapter 31.24, provided the corporations agreed to specified lending criteria and (2) exempt certain information provided by these corporations from public inspection and copying.

"The amendment proposed by Senators Anderson, Lee, Saling, Stratton and McCaslin would expand the chapter on industrial development corporations by allowing the creation of new business and industrial development corporations, known as BIDCO's, deletes requirements that financial institutions be members, reduces the number of people required to form a corporation, establishes capital requirements and institutes other major changes.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Anderson, Lee, Saling, Stratton and McCaslin on page 21, after line 17, to Engrossed Substitute House Bill No. 1553 was ruled out of order.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Engrossed Substitute House Bill No. 1553 is a measure which establishes a public body known as the Economic Development Finance Authority. The Authority is authorized to assist small and medium businesses' capital needs through the issuance of nonrecourse bonds.

"The amendments previously adopted by the Senate (1) allow the Authority to contract with industrial development corporations organized pursuant to Chapter 31.24, provided the corporations agreed to specified lending criteria and (2) exempt certain information provided by these corporations from public inspection and copying.

"The amendment proposed by Senators Anderson and Lee, provides business and occupation tax, public utility tax and insurance premium tax credits for business and industrial development corporations.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment on page 21, after line 17, by Senators Anderson and Lee to Engrossed Substitute House Bill No. 1553 was ruled out of order.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1553, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1553, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1553, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Fleming - 1.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5886 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 904, chapter 206, Laws of 1988 and RCW 70.24.105 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom ~~((a test for a sexually transmitted disease is performed, or the results of such a test or any information relating to diagnosis of or treatment for a sexually transmitted disease in a manner which permits identification of the subject of the test, diagnosis, or treatment except to the following persons))~~ an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject ~~((of the test))~~ or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section;

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other persons as defined by the board in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test: ~~((and))~~

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; and

(j) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding a department of corrections offender's sexually transmitted disease status is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records

whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days.

(6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties."

On page 1, line 6 of the title after "younger;" strike the remainder of the title and insert "and amending RCW 70.24.105."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator West, the Senate concurred in the House amendments to Substitute Senate Bill No. 5886.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5886, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5886, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Moore, Niemi - 2.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5886, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed SENATE BILL NO. 5987 with the following amendment:

On page 2, after line 1 insert:

"(c) For planned purchases of vehicles using alternative fuels, the department and other state agencies shall explore opportunities to purchase these vehicles together with other state agencies, local governments, or private organizations for less cost."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Benitz, the Senate concurred in the House amendment to Senate Bill No. 5987.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5987, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5987, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Fleming, Sellar - 2.

Excused: Senators DeJarnatt, Hansen, Rinehart - 3.

SENATE BILL NO. 5987, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Fleming was excused.

## MESSAGE FROM THE HOUSE

April 5, 1989

Mr. President:

The House has passed SENATE BILL NO. 6012 with the following amendments:

On page 2, after line 7 insert the following:

"Sec. 2. Section 4, chapter 115, Laws of 1980 as last amended by section 15, chapter 59, Laws of 1983 and RCW 28A.58.035 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund."

On page 1, line 2 of the title after "28A.58.033" insert "and 28A.58.035",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Senate Bill No. 6012.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6012, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6012, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Sutherland, Talmadge - 2.

Absent: Senators Matson, Sellar - 2.

Excused: Senators DeJarnatt, Fleming, Hansen, Rinehart - 4.

SENATE BILL NO. 6012, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5658, by Senators McCaslin, Talmadge, Niemi, Pullen, DeJarnatt, Nelson, Thorsness and von Reichbauer (by request of Department of General Administration and Office of Financial Management)

Creating a risk management program and agency accountability.

## MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5658 was substituted for Senate Bill No. 5658 and the second substitute bill was placed on second reading and read the second time.



On motion of Senator Talmadge, the following amendments by Senators Talmadge and McCaslin were considered simultaneously and were adopted:

On page 7, line 11, after "until ((~~the~~))" strike "six months" and insert "sixty days"

On page 7, line 16, after "the" strike "six-month" and insert "sixty-day"

On motion of Senator McMullen, the following amendment by Senators McMullen and McCaslin was adopted:

On page 8, after line 5, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 43.10 RCW to read as follows:

The attorney general shall by February 1 of each year, provide to the legislature, the governor, and the office of risk management a comprehensive summary of all cases involving tort claims against the state of Washington which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 3 of the title, after "4.92 RCW;" insert "adding a new section to chapter 43.10 RCW;"

On motion of Senator Nelson, Engrossed Second Substitute Senate Bill No. 5658 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5658.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5658 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Rinehart - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, April 12, 1989.

JOEL PRITCHARD, President of the Senate.  
GORDON A. GOLOB, Secretary of the Senate.

## NINETY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 12, 1989

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Hansen and Vognild. There being no objection, the President excused Senator DeJarnatt.

The Sergeant at Arms Color Guard, consisting of Pages Seung Hee Kang and Angela Cassidy, presented the Colors. Michael Bigelow, First Councilor of the Olympia, Washington Stake of the Church of Jesus Christ Latter-Day Saints offered the prayer.

#### MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

#### SECOND READING

HOUSE BILL NO. 1485, by Representatives Jacobsen, Dellwo and Heavey

Modifying the interest rates that nonprofit corporations may charge on post-secondary education loans.

The bill was read the second time.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1485 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1485.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1485 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Fleming, Hansen, Vognild - 3.

Excused: Senator DeJarnatt - 1.

HOUSE BILL NO. 1485, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senators Fleming, Hansen and Vognild were excused.

#### SECOND READING

HOUSE BILL NO. 1618, by Representatives Locke, Nutley, Winsley, Wineberry, Betzoff, Anderson, Jacobsen and O'Brien

Making major revisions concerning public housing authorities.

The bill was read the second time.

## MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 1618 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1618.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1618 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Vogniid - 4.

HOUSE BILL NO. 1618, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Murray was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1458, by Committee on Health Care (originally sponsored by Representatives Grant, Brooks, Braddock and Sprenkle) (by request of Department of Corrections)

Regarding corrections and the intrastate compact.

The bill was read the second time.

## MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1458 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1458.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1458 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Hansen, Murray, Vogniid - 5.

SUBSTITUTE HOUSE BILL NO. 1458, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1709, by Representatives O'Brien, Patrick, R. King and Sayan (by request of Department of Labor and Industries)

Revising provisions for medical aid purchase of health care goods and services.

The bill was read the second time.

## MOTION

On motion of Senator Anderson, the rules were suspended, Engrossed House Bill No. 1709 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1709.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1709 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Hansen, Murray, Vognild - 5.

ENGROSSED HOUSE BILL NO. 1709, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1719, by Representatives Hine, Silver and D. Sommers (by request of Department of Retirement Systems)

Providing for disposition of excess retirement benefits upon death of the recipient.

The bill was read the second time.

#### MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 1719 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1719.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1719 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Vognild - 4.

HOUSE BILL NO. 1719, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1769, by Representatives Fraser, Jacobsen, Heavey, H. Myers, Inslee, Prince, Wood, Jesernig, Spanel, Ebersole, Rector, Van Luven and Schoon

Allowing student exchange programs with institutions in other states.

The bill was read the second time.

#### MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The legislature recognizes that a unique educational experience can result from an undergraduate upper division student attending an out-of-state institution. It also recognizes that some Washington residents may be unable to pursue such out-of-state enrollment owing to their limited financial resources and the higher cost of nonresident tuition. The legislature intends to facilitate expanded nonresident undergraduate upper division enrollment opportunities for residents of the state by authorizing the governing boards of the four-year institutions of higher education to enter into exchange programs with other states' comparable public four-year institutions with comparable programs wherein the participating institutions agree that visiting undergraduate upper division students will pay resident tuition rates of the host institutions.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may enter into undergraduate upper division student exchange agreements with comparable public four-year institutions of higher education of other states and agree to charge participating undergraduate upper division students resident tuition rates subject to the following restrictions:

(1) In any given academic year, the number of undergraduate upper division nonresident exchange students receiving nonresident tuition waivers at a state institution, shall not exceed the number of that institution's undergraduate upper division students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off-set in the year immediately following.

(2) Undergraduate upper division student participation in an exchange program authorized by this section is limited to one calendar year.

Sec. 3. Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 362, Laws of 1985 and RCW 28B.15.014 are each amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Domestic exchange students participating in the program created under section 2 of this 1989 act.

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.014; adding a new section to chapter 28B.15 RCW; and creating a new section."

#### MOTION

On motion of Senator Saling, the rules were suspended, House Bill No. 1769, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1769, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1769, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Vognild - 4.

HOUSE BILL NO. 1769, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1568, by Committee on Environmental Affairs (originally sponsored by Representatives Cooper, D. Sommers, Ebersole, Sprengle, May, Pruitt and Ferguson)

Revising requirements regarding procurement and solid waste disposal.

The bill was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 35.21.120, chapter 7, Laws of 1965 as amended by section 18, chapter 282, Laws of 1986 and RCW 35.21.120 are each amended to read as follows:

~~((Every))~~ A city or town may by ordinance provide for the establishment of a system ((of garbage collection and disposal)) or systems of solid waste handling for the entire city or town or for portions thereof((-and)). A city or town may provide for solid waste handling by or under the direction of officials and employees of the city or town or may award contracts for ((garbage collection and disposal or provide for it under the direction of officials and employees of the city or town)) any service related to solid waste handling including contracts entered into under RCW 35.21.152. Contracts for solid waste handling may provide that a city or town ((pay)) provide for a minimum periodic fee or other method of compensation in consideration of the operational availability of a solid waste handling system ((or)), plant, site, or other facility at a specified minimum level, without regard to the ownership of the system ((or)), plant, site, or other facility, or the amount of solid waste actually handled during all or any part of the contract period. ((There shall be included in the contract)) When a minimum level of solid waste is specified in a contract for solid waste handling, there shall be a specific allocation of financial responsibility ((in cases where)) in the event the amount of solid waste handled ((during the contract period)) falls below the minimum level provided in the contract.

As used in this chapter, the terms "solid waste" and "solid waste handling" shall be as defined in RCW 70.95.030.

Sec. 2. Section 1, chapter 208, Laws of 1975 1st ex. sess. as amended by section 1, chapter 164, Laws of 1977 ex. sess. and RCW 35.21.152 are each amended to read as follows:

A city or town may construct, lease, condemn, purchase, acquire, add to, alter, and extend systems ((and)), plants, sites, or other facilities for ((the collection and disposal of)) solid waste ((and for its processing and conversion into other valuable or useful products with)) handling, and shall have full jurisdiction and authority to manage, regulate, maintain, utilize, operate ((and)), control ((such)), and establish the rates and charges for those solid waste handling systems ((and)), plants, ((and to)) sites, or other facilities owned or operated by the city or town. A city or town may enter into agreements ((providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: PROVIDED HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: PROVIDED FURTHER, That agreements relating to the sale of solid materials recovered during the processing of solid waste shall take place only after the receipt of competitive written bids by such city or town: AND PROVIDED FURTHER, That all documentary material of any nature associated with the negotiation and formulation of agreement terms and conditions shall become matters of public record as it applies to:

~~(a) The maintenance and operation of systems and plants for the processing and conversion of solid waste;~~

~~(b) The sale of products resulting from such processing and conversion; and~~

~~(c) Any materials recovered during the processing of solid waste.~~

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120. Any agreement for the sale of solid materials recovered during the processing of solid waste shall be entered into only after public advertisement and evaluation of competitive written bids)) with public or private parties to: (1) Construct, lease, purchase, acquire, manage, maintain, utilize, or operate publicly or privately owned or operated solid waste handling systems, plants, sites, or other facilities; (2) establish rates and charges for those systems, plants, sites, or other facilities; (3) designate particular publicly or privately owned or operated systems, plants, sites, or other facilities as disposal sites; and (4) sell the materials or products of those systems, plants, or other facilities. Any agreement entered into shall be for such term and under such conditions as may be determined by the legislative authority of the city or town.

Sec. 3. Section 3, chapter 208, Laws of 1975 1st ex. sess. and RCW 35.21.154 are each amended to read as follows:

Nothing in RCW 35.21.152 ~~((and 35.92.022))~~ will relieve a city or town of its obligations to comply with the requirements of chapter 70.95 RCW.

Sec. 4. Section 8, chapter 436, Laws of 1987 and RCW 35.22.625 are each amended to read as follows:

RCW 35.22.620 does not apply to ((agreements entered into)) the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ((authority of chapter 70.150 RCW if there is compliance with the procurement procedure under)) RCW 70.150.040 or the selection of persons or entities to construct

or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.92.024 as recodified by section 12 of this act.

Sec. 5. Section 10, chapter 244, Laws of 1986 and RCW 35.23.351 are each amended to read as follows:

RCW 35.23.352 does not apply to ~~((agreements entered into))~~ the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ~~((authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under))~~ RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.92.024 as recodified by section 12 of this act.

Sec. 6. Section 35.92.020, chapter 7, Laws of 1965 as amended by section 5, chapter 445, Laws of 1985 and RCW 35.92.020 are each amended to read as follows:

A city or town may ~~((also))~~ construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage, ~~((and systems and plants for garbage and refuse collection and disposal, with))~~ or solid waste handling as defined by RCW 70.95.030, and shall have full authority to manage, regulate, operate, ~~((and))~~ control ~~((them))~~, and to fix the price of service ~~((thereof))~~ of those systems, plants, sites, or other facilities within and without the limits of the city or town ~~((PROVIDED, That))~~. The rates charged ~~((must))~~ shall be uniform for the same class of customers or service. In classifying customers served or service furnished by ~~((such))~~ a system or systems of sewerage, the legislative authority of the city or town ((governing body)) may in its discretion consider any or all of the following factors: The difference in cost of service to ~~((the various))~~ customers; the location of ~~((the various))~~ customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the ~~((various))~~ parts of the system; the different character of the service furnished ~~((various))~~ customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments; and any other ~~((matters which))~~ factors that present a reasonable difference as a ground for distinction.

Sec. 7. Section 17, chapter 282, Laws of 1986 and RCW 35.92.024 are each amended to read as follows:

(1) Notwithstanding the provisions of any city charter ~~((of any city))~~, or any law to the contrary, and in addition to any other authority provided by law, the legislative authority of a city or town may contract with one or more ~~((private))~~ vendors for one or more of the design, construction, or operation ~~((function))~~ of, or other service related to, the systems ~~((and))~~, plants, sites, or other facilities for solid waste handling ~~((as defined in RCW 70.95.030 and))~~ in accordance with the procedures set forth in ~~((subsections (2) and (3) of))~~ this section. ~~((Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW. Such systems and plants may be owned, leased, and/or operated in whole or in part by the city or town, or owned, leased, and/or operated in whole or in part by the private vendor.))~~ Solid waste handling systems, plants, sites, or other facilities constructed, purchased, acquired, leased, added to, altered, extended, maintained, managed, utilized, or operated pursuant to this section, RCW 35.21.120 and 35.21.152, whether publicly or privately owned, shall be in substantial compliance with the solid waste management plan applicable to the city or town adopted pursuant to chapter 70.95 RCW. Agreements relating to such solid waste handling systems, plants, sites, or other facilities may be for such term and may contain such covenants, conditions, and remedies as the legislative authority of a city or town may deem necessary or appropriate. When a contract for design services is entered into separately from other services permitted under this section, procurement shall be in accordance with chapter 39.80 RCW.

(2) If the legislative authority of the city or town decides to proceed with the consideration of qualifications or proposals for services from vendors, the city or town shall publish notice of its requirements and request submission of qualifications ~~((for the design, construction, and operation of solid waste handling systems and plants))~~ statements or proposals. The notice shall be published in the official newspaper of the city or town at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications statements or proposals. The notice shall ~~((at))~~ state in summary form ~~((;))~~ (a) the general scope and nature of the ((system and plant or work for which the services are required)) design, construction, operation, or other service, (b) the name and address of a representative of the city or town who can provide further details, ((and) (c) the final date for the submission of qualifications statements or proposals, (d) an estimated schedule for the consideration of qualifications, the selection of vendors, and the negotiation of a contract or contracts for services, (e) the location at which a copy of any request for qualifications or request for proposals will be made available, and (f) the criteria established by the legislative authority to select a vendor or vendors, which may include but shall not be limited to the vendor's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability and financial resources; cost of the services, nature of facility design proposed by the vendor; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of

service to the public; project performance guarantees; penalty and other enforcement provisions; environmental protection measures to be used; consistency with the applicable comprehensive solid waste management plan; and allocation of project risks.

(3) If the legislative authority of the city or town decides to proceed with the ((construction of a resource recovery facility or one or more of the services to be provided for such a facility)) consideration of qualifications or proposals, it may designate a representative to evaluate the vendors who submitted qualifications statements or proposals and conduct discussions regarding qualifications or proposals with one or more vendors. The legislative authority or representative may request submission of qualifications statements and may later request more detailed proposals from one or more vendors who have submitted qualifications statements, or may request detailed proposals without having first received and evaluated qualifications statements. The legislative authority or its representative shall evaluate the qualifications or proposals, as applicable. If two or more vendors submit qualifications or proposals that meet the criteria established by the legislative authority of the city or town, discussions and interviews shall be held with at least two vendors. Any revisions to a request for qualifications or request for proposals shall be made available to all vendors then under consideration by the city or town and shall be made available to any other person who has requested receipt of that information.

(4) Based on criteria established by the legislative authority of the city or town, the representative ((of the legislative authority)) shall recommend to the legislative authority a vendor((based upon criteria established by the city or town, which shall not be determined solely by price but by all terms of the contract, who is)) or vendors that are initially determined to be the best qualified to provide one or more of the ((services required for)) design, construction or operation of, or other service related to, the proposed project or services. ((If two or more vendors submit qualifications, at least two vendors shall be interviewed.)) The legislative authority may select one or more qualified vendors ((may be selected to provide)) for one or more of the design, construction, or operation of, or other service related to, the proposed project or services.

(5) The legislative authority or its representative ((shall)) may attempt to negotiate a contract with the ((first)) vendor or vendors selected for one or more of the design, construction, ((design;)) or operation ((portions)) of, or other service related to, the proposed project ((at a price and)) or services on ((other)) terms that the legislative authority determines to be fair and reasonable and in the best interest of the city or town. ((Only the legislative authority may approve and sign the contract. PROVIDED, That where a contract for design is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW.)) If the legislative authority or its representative is unable to negotiate such a contract with ((the first vendor)) any one or more of the vendors first selected on terms that it determines to be fair and reasonable and in the best interest of the city or town, negotiations with ((that vendor)) any one or more of the vendors shall be ((formally)) terminated or suspended and ((other)) another qualified vendor or vendors may be selected in accordance with the procedures set forth in ((subsections (2) and (3) of)) this section. If the legislative authority decides to continue the process of selection, negotiations shall continue with a qualified vendor or vendors in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more qualified vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

((4)) (6) Prior to entering into ((such)) a contract with a vendor, the legislative authority of the city or town ((must have made)) shall make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract ((and)), that the contract is financially sound, and that it is advantageous for the city or town to use this method for awarding contracts compared to other methods.

((5)) (7) Each contract shall include a project performance bond or bonds or other security by the vendor ((which)) that in the judgment of the legislative authority of the city or town is sufficient to secure adequate performance by the vendor.

((6)) (8) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

(9) The vendor selection process permitted by this section shall be supplemental to and shall not be construed as a repeal or limitation on any other authority granted by law.

The alternative selection process provided by this section may not be used in the selection of a person or entity to construct a publicly owned facility for the storage or transfer of solid waste or solid waste handling equipment unless the facility is either (a) privately operated pursuant to a contract greater than five years, or (b) an integral part of a solid waste processing facility located on the same site. Instead, the applicable provisions of RCW 35.22.620, and 35.23.352, and chapters 39.04 and 39.30 RCW shall be followed.

Sec. 8. Section 9, chapter 436, Laws of 1987 and RCW 36.32.265 are each amended to read as follows:



RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to ((agreements entered into)) the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ((the authority of chapter 70.150 RCW if there is compliance with the procurement procedure under)) RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 36.58.090.

Sec. 9. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. as amended by section 20, chapter 282, Laws of 1986 and RCW 36.58.040 are each amended to read as follows:

The legislative authority of ((each)) a county may by ordinance provide for the establishment of a system or systems of solid waste ((disposal)) handling for all ((the)) unincorporated areas of the county or for portions thereof. ((Each)) A county may designate a disposal site or sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW((--PROVIDED-- That)). However for any solid waste collected by a private hauler operating ((pursuant to)) under a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

((Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to)) A county may construct, lease, purchase, acquire, add to, alter, or extend solid waste handling systems, plants, sites, or other facilities and shall have full jurisdiction and authority to manage, regulate, maintain, utilize, operate, ((and)) control ((such system and)), and establish the rates and charges for those solid waste handling systems, plants, ((and to)) sites, or other facilities. A county may enter into agreements with public or private parties ((providing for the construction)) to: (1) Construct, purchase, ((acquisition)) acquire, lease, ((maintenance and operation of)) add to, alter, extend, maintain, manage, utilize, or operate publicly or privately owned or operated solid waste handling systems ((and)), plants ((for the processing and conversion of)), sites, or other facilities; (2) establish rates and charges for those systems, plants, sites, or other facilities; (3) designate particular publicly or privately owned or operated systems, plants, sites, or other facilities as disposal sites; (4) process, treat, or convert solid waste(s) into other valuable or useful materials or products; and ((for the sale of said)) (5) sell the material or products of those systems, plants, or other facilities. ((Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW:))

The legislative authority of a county may award contracts for solid waste handling~~((and such contracts may))~~ that provide that a county ~~((may))~~ provide for a minimum periodic fee or other method of compensation in consideration of the operational availability of ~~((or))~~ those solid waste handling systems ~~((or))~~, plants, sites, or other facilities at a specified minimum level, without regard to the ownership of the systems ~~((or))~~, plants, sites or other facilities, or the amount of solid waste actually handled during all or any part of the ~~((contractual period. There shall be included in the))~~ contract. When a minimum level of solid waste is specified in a contract entered into under this section, there shall be a specific allocation of financial responsibility ~~((in cases where))~~ in the event the amount of solid waste handled ~~((during the contract period))~~ falls below the minimum level provided in the contract. Solid waste handling systems, plants, sites, or other facilities constructed, purchased, acquired, leased, added to, altered, extended, maintained, managed, utilized, or operated pursuant to this section, whether publicly or privately owned, shall be in substantial compliance with the solid waste management plan applicable to the county adopted pursuant to chapter 70.95 RCW. Agreements relating to such solid waste handling systems, plans, sites, or other facilities may be for such term and may contain such covenants, conditions, and remedies as the legislative authority of the county may deem necessary or appropriate.

As used in this chapter, the terms "solid waste" and "solid waste handling" shall be as defined in RCW 70.95.030.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties or to authorize counties to affect the authority of the utilities and transportation commission under RCW 81.77.020.

The alternative selection process provided by this section may not be used in the selection of a person or entity to construct a publicly owned facility for the storage or transfer of solid waste or solid waste handling equipment unless the facility is either (a) privately operated pursuant to a contract greater than five years, or (b) an integral part of a solid waste processing facility located on the same site. Instead, the applicable provisions of RCW 36.32.250, and chapters 39.04 and 39.30 RCW shall be followed.

Sec. 10. Section 19, chapter 282, Laws of 1986 and RCW 36.58.090 are each amended to read as follows:

(1) Notwithstanding the provisions of any county charter ~~((of any county))~~ or any law to the contrary, and in addition to any other authority provided by law, the legislative authority of a

county may contract with one or more (~~(private)~~) vendors for one or more of the design, construction, or operation (~~(function)~~) of, or other service related to, the solid waste handling systems (~~(and)~~), plants (~~(for solid waste handling, as defined in RCW 70.95.030 and)~~), sites, or other facilities in accordance with the procedures set forth in (~~(subsections (2) and (3) of)~~) this section. (~~(Such systems and plants may be owned, leased, and/or operated in whole or in part by the county, or owned, leased, and/or operated in whole or in part by the private vendor.)~~) When a contract for design services is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW. For the purpose of this chapter, the term "legislative authority" shall mean the board of county commissioners or, in the case of a home rule charter county, the official, officials, or public body designated by the charter to perform the functions authorized therein.

(2) If the legislative authority of the county decides to proceed with the consideration of qualifications or proposals for services from vendors, the county shall publish notice of its requirements and request submission of qualifications (~~(for the design, construction, and operation of solid waste handling systems and plants)~~) statements or proposals. The notice shall be published in the official newspaper of the county at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications statements or proposals. The notice shall state in summary form (a) the general scope and nature of the (~~(system and plant or work for which the services are required)~~) design, construction, operation, or other service, (b) the name and address of a representative of the county who can provide further details, (~~(and)~~) (c) the final date for the submission of qualifications statements or proposals, (d) an estimated schedule for the consideration of qualifications, the selection of vendors, and the negotiation of a contract or contracts for services, (e) the location at which a copy of any request for qualifications or request for proposals will be made available, and (f) the criteria established by the legislative authority to select a vendor or vendors, which may include but shall not be limited to the vendor's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability and financial resources; cost of the services; nature of facility design proposed by the vendor; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public; project performance guarantees; penalty and other enforcement provisions; environmental protection measures to be used; consistency with the applicable comprehensive solid waste management plan; and allocation of project risks.

(3) If the legislative authority of the county decides to proceed with the (~~(construction of a resource recovery facility or one or more of the services to be provided for such a facility)~~) consideration of qualifications or proposals, it may designate a representative to evaluate the vendors who submitted qualifications statements or proposals and conduct discussions regarding qualifications or proposals with one or more vendors. The legislative authority or representative may request submission of qualifications statements and may later request more detailed proposals from one or more vendors who have submitted qualifications statements, or the representative may request detailed proposals without having first received and evaluated qualifications statements. The representative shall evaluate the qualifications or proposals, as applicable. If two or more vendors submit qualifications or proposals that meet the criteria established by the legislative authority of the county, discussions and interviews shall be held with at least two vendors. Any revisions to a request for qualifications or request for proposals shall be made available to all vendors then under consideration by the city or town and shall be made available to any other person who has requested receipt of that information.

(4) Based on criteria established by the legislative authority of the county, the representative (~~(of the legislative authority)~~) shall recommend to the legislative authority a vendor (~~(based upon criteria established by the county, which shall not be determined solely by price but by all terms of the contract, who is)~~) or vendors that are initially determined to be the best qualified to provide one or more of the (~~(services required for)~~) design, construction, or operation of, or other service related to, the proposed project or services. (~~(If two or more vendors submit qualifications, at least two vendors shall be interviewed.)~~) The legislative authority may select one or more qualified vendors (~~(may be interviewed and selected to provide)~~) for one or more of the design, construction, or operation of, or other service related to, the proposed project or services.

(5) The legislative authority or its representative (~~(shall)~~) may attempt to negotiate a contract with the (~~(first)~~) vendor or vendors selected for one or more of the design, construction, (~~(design)~~) or operation (~~(portions)~~) of, or other service related to, the proposed project (~~(at a price and)~~) or services on (~~(other)~~) terms that the legislative authority determines to be fair and reasonable and in the best interest of the county. (~~(Only the legislative authority may approve and sign the contract. PROVIDED, That where a contract for design is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW.)~~) If the legislative authority or its representative is unable to negotiate such a contract with (~~(the first vendor)~~) any one or more of the vendors first selected on terms that it determines to be fair and reasonable and in the best interest of the county, negotiations with (~~(that vendor)~~) any one or more of the vendors shall be (~~(formally)~~) terminated or suspended

and ~~((other))~~ another qualified vendor or vendors may be selected in accordance with the procedures set forth ~~((above))~~ in this section. If the legislative authority decides to continue the process of selection, negotiations shall continue with a qualified vendor or vendors in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more qualified vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

~~((4))~~ (6) Prior to entering into ~~((such))~~ a contract with a vendor, the legislative authority of the county ~~((must have made))~~ shall make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract ~~((and))~~, that the contract is financially sound, and that it is advantageous for the county to use this method for awarding contracts compared to other methods.

~~((5))~~ (7) Each contract shall include a project performance bond or bonds or other security by the vendor ~~((which))~~ that in the judgment of the legislative authority of the county is sufficient to secure adequate performance by the vendor.

~~((6))~~ (8) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

(9) The vendor selection process permitted by this section shall be supplemental to and shall not be construed as a repeal of or limitation on any other authority granted by law.

Sec. 11. Section 13, chapter 244, Laws of 1986 and RCW 39.04.175 are each amended to read as follows:

This chapter does not apply to ~~((agreements entered into))~~ the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ~~((authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under))~~ RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.92.024 as recodified by section 12 of this act or under RCW 36.58.090.

NEW SECTION. Sec. 12. RCW 35.92.024 as amended by this act is recodified as a new section in chapter 35.21 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 35.23.353, chapter 7, Laws of 1965, section 3, chapter 120, Laws of 1987 and RCW 35.23.353; and

(2) Section 2, chapter 208, Laws of 1975 1st ex. sess., section 2, chapter 164, Laws of 1977 ex. sess., section 7, chapter 445, Laws of 1985 and RCW 35.92.022."

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, after "procurement," strike the remainder of the title and insert "amending RCW 35.21.120, 35.21.152, 35.21.154, 35.22.625, 35.23.351, 35.92.020, 35.92.024, 36.32.265, 36.58.040, 36.58.090, and 39.04.175; recodifying RCW 35.92.024; and repealing RCW 35.23.353 and 35.92.022."

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1568, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Kreidler: "Senator Amondson, could you please explain the committee amendments to Section 7, paragraph 8, and Section 10, paragraph 8, relating to prevailing wages?"

Senator Amondson: "Thank you, Senator Kreidler. You know that we covered this in committee and the general purpose of this bill is to clarify existing law and existing legislative intent and to increase consistency among statutory provisions governing city and county solid waste procurement, but we did want to make it very clear that this bill would not expand or extend prevailing wage requirements to any facilities to which they do not apply under existing law."

Senator Kreidler: "Senator Amondson, I notice that the Senate committee removed some liberal construction language from Section 7, paragraph 9, and Section 10, paragraph 9. Could you please explain this?"

Senator Amondson: "Yes, Senator Kreidler. The liberal construction language was removed to make it clear that the alternative vendor selection process provided in this statute is meant to be used only for solid waste handling facilities and not for any other types of facilities. We need to be very careful about expanding any process that is a diversion from traditional public works bidding."

Senator Kreidler: "What is the purpose of the new language placed by the committee in Sections 7 and 9 limiting the alternative selection process for certain transfer stations and equipment storage facilities?"

Senator Amondson: "The alternative competitive process is not meant to be used for those government-owned facilities unless they are privately operated for at least five years or if they are critical to the operation of a recycling, composting, resource recovery or similar facility on the same site."

Senator Kreidler: "What if a county has a resource recovery facility built for it and three years later decides to put a transfer station next door?"

Senator Amondson: "Obviously, the facility was working for three years without the transfer station, so it would be hard to argue that it was an integral part of the resource recovery facility. Construction of the new transfer station should be bid out under traditional public works procedures unless it can be shown to be necessary for the bigger facility and unless the vendor contract contemplated this work being handled by the vendor."

Senator Kreidler: "Would remodeling or retrofitting a facility have to be bid under the traditional process?"

Senator Amondson: "That would, of course, depend on the contract with the vendor and the nature of the work."

Senator Kreidler: "I notice in Section 7, paragraph 1, that the bill strikes the word, 'private,' so that a municipality is not restricted in contracting only with private vendors. Could you please explain this?"

Senator Amondson: "Yes, thank you. When this statute was passed in 1986, one of the purposes was to assist in the privatization of certain solid waste handling facilities. However, there was no intent to prevent cities and counties from contracting among themselves for solid waste services under the Interlocal Cooperation Act. Other sections of the bill, such as Sections 2 and 9, make it clear that cities and counties may contract with both public and private parties for these services."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1568, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1568, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Vogndil - 4.

SUBSTITUTE HOUSE BILL NO. 1568, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1776, by Representative Hine (by request of Office of Financial Management)

Creating a volunteer firefighters' pension administrative fund.

The bill was read the second time.

#### MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 1776 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1776.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1776 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Vognlid - 4.

HOUSE BILL NO. 1776, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1857, by Committee on Energy & Utilities (originally sponsored by Representatives Rasmussen, Miller, Nelson, Hankins and Fraser)

Regulating public water systems.

The bill was read the second time.

## MOTION

Senator McCaslin moved that the following amendment be adopted:

On page 2, line 34, after "conviction" add "(4) No public water system shall fluoridate its water supply without a majority vote of the people."

Debate ensued.

## POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe the amendment by Senator McCaslin expands the scope and object of Substitute House Bill No. 1857. For all of the reasons expressed by Senators Madsen and Benitz, I believe the bill is an excellent one, dealing with the issue of public water systems and really specifies the circumstances under which the local water utilities would be providing clean and safe drinking water. This amendment raises a very controversial issue relating to fluoridation which is separate and apart from the original intention of the bill. I believe for that reason, Mr. President, the amendment expands the scope and object of Substitute House Bill No. 1857."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1857 was deferred.

## SECOND READING

HOUSE BILL NO. 1872, by Representatives Heavey, Prince, Valle, Brough, Anderson, R. Meyers, Walker, Haugen, Rasmussen, Ebersole, Bristow, Scott, Fraser, Patrick, Raiter, Ballard, Hine, Phillips, G. Fisher, K. Wilson, Day, Winsley, Prentice, D. Sommers, Leonard, Zellinsky, Todd and Wood

Allowing counties, cities and towns to regulate hitchhiking in some situations.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1872 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1872.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1872 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Hansen, Vognild - 4.

HOUSE BILL NO. 1872, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2037, by Representatives Raiter, Cooper, Morris, Brumsickle, Vekich, Peery, Bowman, Schoon and H. Myers

Extending exemptions for Mt. St. Helens recovery operations.

The bill was read the second time.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 2037 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2037.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2037 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Moore, Talmadge - 2.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Fleming, Hansen, Vognild - 4.

HOUSE BILL NO. 2037, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4018, by Representatives Todd and Nelson

Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Benitz, the rules were suspended, House Joint Memorial No. 4018 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4018.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4018 and the joint memorial passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin,

McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Fleming, Hansen, Owen, Vognlid - 5.

HOUSE JOINT MEMORIAL NO. 4018, having received the constitutional majority was declared passed.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, S. Wilson, Haugen, Spanel and Rasmussen) (by request of Department of Fisheries)

Changing requirements for fishing licenses.

The bill was read the second time.

## MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. A new section is added to chapter 75.25 RCW to read as follows:

The following recreational fishing licenses are administered and issued by the department of fisheries under authority of the director of fisheries:

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 2. Section 1, chapter 31, Laws of 1983 1st ex. sess. as amended by section 6, chapter 80, Laws of 1984 and RCW 75.25.015 are each amended to read as follows:

(1) A Hood Canal shrimp license is required for all persons other than residents under sixteen years of age to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident (~~(license, five dollars, except that a person)~~) sixteen years of age or older and under seventy years of age ((or older may pay a one-time fee of five)), and a nonresident under sixteen years of age, five dollars;

(b) For a nonresident (~~(license, fifteen)~~) sixteen years of age or older, fifteen dollars.

Sec. 3. Section 4, chapter 243, Laws of 1979 ex. sess. as last amended by section 91, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.040 are each amended to read as follows:

(1) A razor clam license is required for all persons other than residents under sixteen years of age to take, dig for, or possess razor clams taken for personal use from the clam beds of this state including razor clams taken from national park beaches.

(2) The annual fees for razor clam licenses are:

(a) For a resident (~~(license, two)~~) sixteen years of age or older and under seventy years of age, and a nonresident under sixteen years of age, three dollars ((and fifty cents)); and

(b) For a nonresident (~~(license, ten)~~) sixteen years of age or older, ten dollars.

~~((2) Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued a razor clam license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.130.~~

~~(3) Razor clam license fees shall be deposited in the general fund and shall be appropriated for the development or operation of programs beneficial to razor clam harvesting.))~~

Sec. 4. Section 2, chapter 81, Laws of 1980 as amended by section 92, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.080 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department of fisheries official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 5. Section 1, chapter 87, Laws of 1987 and RCW 75.25.090 are each amended to read as follows:

(1) ~~((An annual))~~ A personal use license is required for ((a person sixteen)) all persons other than residents under sixteen years of age ((or older)) to fish for, take, or possess food fish for personal use from state waters or offshore waters ((other than carp and sturgeon in the Columbia river above Chief Joseph Dam)). A personal use license is not required under this section to fish for, take, or possess carp and sturgeon in the Columbia river above Chief Joseph Dam, smelt, or albacore. ((An annual personal use license is valid for the calendar year in which it is issued.))

~~(2) The fees for ((an)) annual personal use licenses are ((three dollars for residents and nine dollars for nonresidents));~~

~~(a) For a resident sixteen years of age or older and under seventy years of age, and a nonresident under sixteen years of age, three dollars; and~~

~~(b) For a nonresident sixteen years of age or older, ten dollars.~~

~~((2) A) (3) The fees for two-consecutive-day ((combined)) personal use licenses ((and punchcard shall be issued. The fee for the license and punchcard is three dollars for residents and nonresidents.~~

~~(3) It is unlawful to fish for or possess food fish without the licenses, punchcards, and stamps required by this chapter.) are:~~

~~(a) For food fish other than sturgeon, three dollars; and~~

~~(b) For sturgeon only, three dollars.~~

Sec. 6. Section 11, chapter 327, Laws of 1977 ex. sess. as last amended by section 2, chapter 87, Laws of 1987 and RCW 75.25.100 are each amended to read as follows:

(1) In addition to a personal use license, a salmon ((punchcard)) license is required ((for a person)) to take, fish for, or possess anadromous salmon taken for personal use from state waters or offshore waters. A salmon ((punchcard)) license is not required for a resident under sixteen years of age, nor is it required of a person who has a valid two-consecutive-day ((combined)) personal use license ((and punchcard)) for food fish other than sturgeon.

(2) The fees for ((a)) annual salmon ((punchcard is three dollars. A salmon punchcard is valid for a maximum catch of fifteen salmon, after which another punchcard may be purchased. A salmon punchcard is valid only for the calendar year for which it is issued)) licenses are:

(a) For a resident sixteen years of age or older and under seventy years of age, three dollars; and

(b) For all nonresidents, three dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 75.25 RCW to read as follows:

(1) A sturgeon license is required to take, fish for, or possess sturgeon taken for personal use from the following state waters:

(a) Columbia river and all tributaries;

(b) Willapa Bay and all tributaries; and

(c) Grays Harbor and all tributaries.

A sturgeon license is not required of a resident under sixteen years of age, nor is it required of a person who has a valid sturgeon-only two-consecutive-day personal use license.

(2) In addition to a sturgeon license, a personal use license is required when fishing for sturgeon in all waters listed in subsection (1) of this section, except the Columbia river above Chief Joseph Dam.

(3) The fees for annual sturgeon licenses are:

(a) For a resident sixteen years of age or older, and under seventy years of age, three dollars; and

(b) For all nonresidents, three dollars.

Sec. 8. Section 13, chapter 327, Laws of 1977 ex. sess. as last amended by section 3, chapter 87, Laws of 1987 and RCW 75.25.110 are each amended to read as follows:

(1) ((A personal use license, salmon punchcard, or two-consecutive-day combined license and punchcard) Any of the recreational fishing licenses required by this chapter shall, upon request, be issued without charge to ((persons under sixteen years of age or seventy years of age and older.

(2) Upon application;) the following individuals upon request:

(a) Residents under sixteen years of age and residents seventy years of age or older;

(b) Residents who submit applications attesting that they are a person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces with a service-connected disability and who has been a resident of this state for the five preceding years ((shall be given a personal use license and salmon punchcard free of charge));

((Upon application;) (c) A blind person ((shall be issued a personal use license and salmon punchcard free of charge));

(d) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services; and

(e) A resident who is physically handicapped and confined to a wheelchair.

(2) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless a punchcard is required by the director.

Sec. 9. Section 17, chapter 327, Laws of 1977 ex. sess. as last amended by section 4, chapter 87, Laws of 1987 and RCW 75.25.120 are each amended to read as follows:

In concurrent waters of the Columbia river and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington ~~((salmon punchcard or))~~ personal use license, two-consecutive-day personal use license, salmon license, or sturgeon license is valid if Oregon



recognizes as valid the Washington (~~salmon punchcard or~~) personal use license, two-consecutive-day personal use license, salmon license, or sturgeon license in comparable Oregon waters.

If Oregon recognizes as valid the Washington (~~salmon punchcard~~) personal use license, ~~((or))~~ two-consecutive-day ~~((combined))~~ personal use license ~~((and punchcard))~~, salmon license, or sturgeon license southward to Cape Falcon in the coastal territorial waters from the Washington-Oregon boundary and in concurrent waters of the Columbia river then Washington shall recognize a valid Oregon license comparable to the Washington personal use license, ~~((punchcard, or))~~ two-consecutive-day ~~((combined))~~ personal use license ~~((and punchcard))~~, salmon license, or sturgeon license northward to Leadbetter Point.

Oregon licenses are not valid for the taking of (~~salmon~~) food fish when angling in concurrent waters of the Columbia river from the Washington shore.

**NEW SECTION.** Sec. 10. A new section is added to chapter 75.25 RCW to read as follows:

Catch record cards necessary for proper management of the state's food fish and shellfish resources shall be administered under rules adopted by the director and issued at no charge.

Sec. 11. Section 12, chapter 327, Laws of 1977 ex. sess. as last amended by section 6, chapter 87, Laws of 1987 and RCW 75.25.130 are each amended to read as follows:

All recreational licenses(~~-punchcards, and stamps~~) required by this chapter shall be issued only under authority of the director. The director may authorize license dealers to issue the recreational licenses(~~-punchcards, and stamps~~) and collect the recreational license fees. In addition to the recreational license(~~-punchcard, or stamp~~) fees, dealers may charge a dealer's fee ~~((of fifty cents))~~ for each ~~((Hood Canal shrimp license, two-consecutive-day combined license and punchcard, personal use license, punchcard, and razor clam))~~ recreational license. The director shall establish the amount to be retained by dealers, which shall be at least fifty cents for each license issued. Fees retained by dealers shall be uniform throughout the state. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of (~~personal use~~) recreational licenses(~~-Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards~~) and for the collection, payment, and handling of license fees and dealers' fees.

Sec. 12. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 7, chapter 87, Laws of 1987 and RCW 75.25.140 are each amended to read as follows:

(1) (~~Personal use~~) Recreational licenses(~~-Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards~~) are not transferable. Upon request of a fisheries patrol officer ~~((or))~~, ex officio fisheries patrol officer, or authorized fisheries employee, a person digging for or possessing razor clams or fishing for or possessing Hood Canal shrimp or food fish for personal use shall exhibit the required recreational license and ~~((punchcard and))~~ write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or ~~((punchcard or))~~ is not the person named on the license ~~((or punchcard))~~.

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 13. Section 99, chapter 46, Laws of 1983 1st ex. sess. as amended by section 9, chapter 80, Laws of 1984 and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess razor clams, fish for or possess ~~((anadromous salmon))~~ food fish, or take or possess Hood Canal shrimp without the licenses required by this chapter.

**NEW SECTION.** Sec. 14. A new section is added to chapter 75.25 RCW to read as follows:

Recreational licenses issued by the department of fisheries under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid:

- (a) For life for blind persons;
- (b) For the period of continued state residency for qualified disabled veterans;
- (c) For the period of continued state residency for persons seventy years of age or more;
- (d) For the period of the disability for persons with a developmental disability; and
- (e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 15. Section 16, chapter 327, Laws of 1977 ex. sess. as last amended by section 8, chapter 87, Laws of 1987 and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a ~~((Hood Canal shrimp))~~ recreational license ~~((personal use license, razor clam license, or punchcard))~~ is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 16. Section 9, chapter 87, Laws of 1987 and RCW 75.25.170 are each amended to read as follows:

Fees received for ~~((personal use))~~ recreational licenses ~~((punchcards and stamps))~~ required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department of fisheries.

Sec. 17. Section 14, chapter 176, Laws of 1957 as last amended by section 102, chapter 78, Laws of 1980 and RCW 77.32.005 are each amended to read as follows:

For the purposes of this chapter:

A "resident" means a ~~((citizen of the United States or))~~ person who ~~((has in good faith declared the intent to become a citizen of the United States))~~ has maintained a permanent place of abode within this state for at least ninety days immediately preceding an application for a license, ~~((and))~~ has established by formal evidence an intent to continue residing within this state, and who is not licensed to hunt or fish as a resident in another state.

A "nonresident" means a person who has not fulfilled the qualifications of a resident.

Sec. 18. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 914, chapter 176, Laws of 1988 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for the five preceding years may receive upon application a state hunting and fishing license free of charge.

(2) A ~~((person))~~ resident seventy years of age or older ~~((who has been a resident for ten years))~~ may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of ~~((fifteen))~~ sixteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 19. Section 13, chapter 310, Laws of 1981 as last amended by section 88, chapter 506, Laws of 1987 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

This subsection does not apply to annual steelhead punchcards for persons under the age of sixteen.

(5) Persons under the age of sixteen may purchase an annual steelhead punchcard for five dollars. The five-dollar punchcard entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new punchcard may be purchased.

~~((6))~~ (6) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

~~((7))~~ (7) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

~~((8))~~ (8) Upland bird punchcards required under this section expire March 31st following the date of issuance.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 243, Laws of 1979 ex. sess., section 90, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.020; and

(2) Section 5, chapter 87, Laws of 1987 and RCW 75.25.125.

NEW SECTION. Sec. 21. This act shall take effect on January 1, 1990."

## MOTION

On motion of Senator Bender, further consideration of Engrossed Substitute House Bill No. 1028 was deferred.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1475, by Committee on Judiciary (originally sponsored by Representatives Winsley, Dellwo, K. Wilson, Chandler, Zellinsky, Beck, Day, Schmidt, Todd, Ferguson, D. Sommers and Wang)

Establishing the measure of damages for a motor vehicle.

The bill was read the second time.

## MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 4.56 RCW to read as follows:

In an action seeking damages for property damage to a motor vehicle, the measure of damages is the reasonable cost of repair or the difference between the value of the vehicle immediately before the damage occurred and the value after the damage occurred, plus a reasonable amount of damages for loss of use of the vehicle or the amount reasonably expended on a temporary replacement vehicle for all time periods during which the vehicle is not available as a result of such damage. When the cost to repair or replace the damaged motor vehicle exceeds the value of the vehicle immediately before the damage occurred, damages for the loss of use of the vehicle are limited to that time period from the date of loss until the defendant has offered full payment of property damage."

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicle;" strike the remainder of the title and insert "and adding a new section to chapter 4.56 RCW."

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1475, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1475, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1475, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Hansen, Matson, Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1475, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2167, by Representatives Leonard, Winsley, Schoon, Nutley, Rector and Todd

Regarding mobile home parks.

The bill was read the second time.

## MOTIONS

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. (1) The legislature finds that mobile home parks are an important part of housing in Washington state. Mobile homes allow many citizens to own a home who otherwise would not. Mobile home parks provide a place to locate mobile homes, and therefore, can be a source of affordable housing. Mobile home parks also provide community living opportunities which can enable senior citizens to live independently for as long as possible.

(2) The legislature also finds that local siting and zoning regulations for mobile home parks and land use decisions by some local jurisdictions prohibit or hinder the establishment or expansion of mobile home parks. In areas where mobile home parks are closing, such decisions increase the problem for tenants due to a lack of available spaces on which to move a mobile home.

(3) The purpose of this act is to encourage local jurisdictions to review their land use regulations and permit procedures pertaining to mobile home parks and to encourage the establishment or expansion of mobile home parks.

**NEW SECTION.** Sec. 2. A new section is added to chapter 35.63 RCW to read as follows:

Any city with a population of ten thousand or more or any county with a population of one hundred fifty thousand or more shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

**NEW SECTION.** Sec. 3. A new section is added to chapter 35A.63 RCW to read as follows:

Each municipality with a population of ten thousand or more shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

**NEW SECTION.** Sec. 4. A new section is added to chapter 36.70 RCW to read as follows:

Each county with a population of one hundred fifty thousand or more shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

**NEW SECTION.** Sec. 5. A new section is added to chapter 35.22 RCW to read as follows:

If a first class city zones under its inherent charter authority and not under chapter 35.63 RCW, then each first class city shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

**NEW SECTION.** Sec. 6. A new section is added to chapter 36.32 RCW to read as follows:

If a county operating under home rule charter zones under its inherent charter authority and not under chapter 35.63 RCW, nor chapter 36.70 RCW, the county shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

**NEW SECTION.** Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The department of community development shall: (1) Report to the housing committee in the house of representatives and the economic development and labor committee in the senate the results of the local reviews provided for in sections 2 through 6 of this act by July 31, 1990; and (2) develop, in consultation with the Washington association of counties, the association of Washington cities, the Washington mobile park owners association, and the mobile home tenants association of Washington, a model ordinance for the siting of mobile home parks. The model ordinance shall be completed by January 31, 1990.

**NEW SECTION.** Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Senator Lee moved that the following amendments to the Committee on Economic Development and Labor amendment be considered simultaneously and be adopted:

On page 4, after line 5 of the amendment, insert the following:

"Sec. 7. Section 2, chapter 280, Laws of 1988 and RCW 59.22.050 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home

affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) In addition, the office shall develop recommendations based on the information provided by the cities and counties under sections 2 through 6 of this act to (a) increase the availability of mobile home park spaces; (b) stabilize rent levels through traditional market forces of supply and demand; and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies. The recommendations shall provide a balance between the mobile home park owners' legitimate costs of doing business and need to receive a reasonable rate of return on their investments, and the limited ability of tenants to absorb rental rate increases.

(3) In developing these recommendations the office shall:

(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;

(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;

(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense;

(d) Hold public hearings to allow public input and involvement; and

(e) Appoint a technical advisory committee, if necessary, to advise the commission in the performance of its duties. The membership of the advisory committee shall be balanced to reflect the views of all interested parties."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 17 of the amendment, after "1990," strike "and"

On page 4, line 27 of the amendment, after "1990" insert "; and (3) make recommendations to the housing committee in the house of representatives and the economic development and labor committee in the senate for the increased availability of mobile home park spaces as provided in section 7 of this act."

#### POINT OF INQUIRY

Senator Smitherman: "Senator Lee, some of the members on this side have questioned whether or not we have the resources available in the Mobile Home Affairs Office to carry out the purposes which you've outlined in your amendments. Looking over the underlying striking amendment, it seems to me, and this is where I need clarification, that the counties and the cities and others that would be collecting the information would simply then forward it to the Mobile Home Affairs Office for that person to do the computations and so on and the analysis. Is that the way this is conceived?"

Senator Lee: "The underlying measure, in other words the committee amendment, in fact, all that it says is that they shall come up with a model ordinance. The interesting thing is you can come with a model ordinance even if you don't submit any information, so there needs to be something to be able to done with that information other than just simply printing it and submitting it to us. That's the reason for the amendment to the amendment that we now have before us.

"The question of whether or not there are enough resources to do that additional task, in other words, to do anything with the information that comes from the counties and cities is one that I don't think we have a complete clear answer to, because we don't know what the information is going to provide. Other than the fact that when Substitute Senate Bill No. 5369 went through this body, which was the task force, and was passed by us, is that DCD says that there was no additional cost on that particular measure. That doesn't mean that they won't come back to us in January and say, 'Gee whiz, we got all of this data and it looks like the problem is greater than we'd expected it to be and unless we have some additional resources, we can't complete the job.' There is a possibility of that happening, but at this point, we can't see far enough into the future to really know the answer to that question about resources. We know we've got enough resources to begin the job. Whether they have enough to complete it, they will have to let us know as they get further into the project."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Lee on page 4, lines 5, 17 and 27, to the Committee on Economic Development and Labor amendment to House Bill No. 2167.

The motion by Senator Lee carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor amendment, as amended, to House Bill No. 2167.

The Committee on Economic Development and Labor amendment, as amended, to House Bill No. 2167 was adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 43.63A RCW; creating a new section; and declaring an emergency."

On page 5, line 14 of the title amendment, before "adding" insert, "amending RCW 59.22.050;"

On motion of Senator Lee, the rules were suspended, House Bill No. 2167, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2167, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2167, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Newhouse - 1.

Excused: Senators DeJarnatt, Hansen, Johnson, Matson - 4.

HOUSE BILL NO. 2167, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1857 and the pending amendment by Senator McCaslin on page 2, line 34, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 1857 is a measure limited to modifying State Board of Health regulations over domestic water services.

"The amendment proposed by Senator McCaslin would add an election process on the issue of fluoridation.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator McCaslin on page 2, line 34, to Substitute House Bill No. 1857 was ruled out of order.

## MOTION

On motion of Senator Benitz, the rules were suspended, Substitute House Bill No. 1857 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1857.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1857 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Hansen, Matson - 3.

SUBSTITUTE HOUSE BILL NO. 1857, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2010, by Representatives R. King, Basich, McLean and Inslee

Allowing nonambulatory disabled persons to hunt from nonhighway motor vehicles.

The bill was read the second time.

## MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 2010 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2010.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2010 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogndid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Moore, Talmadge - 2.

Excused: Senators DeJarnatt, Hansen, Matson - 3.

HOUSE BILL NO. 2010, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1656, by Representative Crane

Changing land development regulations.

The bill was read the second time.

## MOTION

Senator von Reichbauer moved that the following Committee on Financial Institutions and Insurance amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.010 are each amended to read as follows:

The legislature finds and declares that the sale and offering for sale of land or of interests in associations which provide for the use or occupancy of land touches and affects a great number of the citizens of this state and that full and complete disclosure to prospective purchasers of pertinent information concerning land developments, including any encumbrances or liens which might attach to the land and the physical characteristics of the development as well as the surrounding land, is essential. The legislature further finds and declares that ~~((a) program of state registration and of publication and)~~ delivery to prospective purchasers of a complete and accurate public offering statement is necessary in order to adequately protect both the economic and physical welfare of the citizens of this state. It is the purpose of this chapter to provide for ~~((a))~~ the reasonable ~~((program of state registration and))~~ regulation of the sale and offering for sale of any interest in significant land developments within or without the state of Washington, so that the prospective purchasers of such interests might be provided with full, complete, and accurate information of all pertinent circumstances affecting their purchase.

Sec. 2. Section 2, chapter 12, Laws of 1973 1st ex. sess. as amended by section 208, chapter 158, Laws of 1979 and RCW 58.19.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Blanket encumbrance" shall mean a trust deed, mortgage, mechanic's lien, or any other lien or encumbrance, securing or evidencing the payment of money and affecting the land to be developed or affecting more than one lot or parcel of developed land, or an agreement affecting more than one such lot or parcel by which the developer holds said development under option, contract, sale, or trust agreement. The term shall not include taxes and assessments levied by a public authority.

~~((2))~~ ~~("Director" means the director of licensing or his authorized designee.~~

~~((3))~~ "Developer" means any owner of a development who offers it for disposition, or the principal agent of an inactive owner.

~~((4))~~ (3) "Development" or "developed lands" means land which is divided or is proposed to be divided for the purpose of disposition into ten or more lots, parcels, or units (excluding interests in camping ~~((clubs))~~ resorts regulated under chapter 19.105 RCW) and any other land whether contiguous or not, if ten or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale.

~~((5))~~ (4) "Disposition" includes any sale, lease, assignment, or exchange of any interest in any real property which is a part of or included within a development, and also includes the offering of property as a prize or gift when a monetary charge or consideration for whatever purpose is required in conjunction therewith, and any other transaction concerning a development if undertaken for gain or profit.

~~((6))~~ (5) "Offer" includes every inducement, solicitation, or media advertisement which has as a principal aim to encourage a person to acquire an interest in land.

~~((7))~~ (6) "Hazard" means all existing or proposed unusual nuisance-type conditions relating to the location of the development, noise, safety, or other nuisance which affect or might affect the development.

~~((8))~~ (7) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

~~((9))~~ (8) "Purchaser" means a person who acquires or attempts to acquire or succeeds to any interest in land.

~~((10))~~ (9) "Residential buildings" shall mean premises that are actually intended or used as permanent residences of the purchasers and that are not devoted exclusively to any other purpose.

Sec. 3. Section 3, chapter 12, Laws of 1973 1st ex. sess. as amended by section 209, chapter 158, Laws of 1979 and RCW 58.19.030 are each amended to read as follows:

~~((1))~~ Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to land and offers or dispositions:

~~((a))~~ (1) By a purchaser of developed lands for his own account in a single or isolated transaction;

~~((b))~~ (2) If fewer than ten separate lots, parcels, units, or interests in developed lands are offered by a person in a ~~((period of twelve months))~~ calendar year: PROVIDED, That if the lots, parcels, units, or interests are a part of one subdivision, no more than ten lots, parcels, units, or interests are offered by a person in a period of twelve months;

(3) If each lot offered in the development is one one-hundred-twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this subsection which borders on a street or road the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

~~((c))~~ If each lot offered in the development is five acres or more;



~~((d))~~ (4) On which there is a residential, commercial, or industrial building, or as to which there is a legal obligation on the part of the seller to construct such a building within two years from date of disposition;

~~((e))~~ (5) To any person who acquires such lot, parcel, unit or interest therein for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease or other disposition of such lots to persons engaged in such business or businesses;

~~((f))~~ (6) Any lot, parcel, unit or interest if the development is located within an area incorporated prior to January 1, 1974;

~~((g))~~ (7) Pursuant to court order; ~~((or~~

~~((h))~~ (8) As cemetery lots or interests;

~~(2) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to);~~

~~((a))~~ (9) Offers or dispositions of evidence of indebtedness secured by a mortgage or deed of trust of real estate;

~~((b))~~ (10) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

~~((c) A development as to which the director has waived the provisions of this chapter as provided in RCW 58.19.040;~~

~~((d))~~ (11) Offers or dispositions of securities currently registered with the ~~((business and professions administration in the))~~ department of licensing; or

~~((e))~~ (12) Offers or dispositions of any interest in oil, gas, or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the business and professions administration in the department of licensing.

Sec. 4. Section 5, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.050 are each amended to read as follows:

Unless the development or the transaction is exempt by RCW 58.19.030:

~~(1) No person may offer or dispose of any interest in a development located in this state, nor offer or dispose of in this state any interest in a development located without this state prior to the time the development is registered in accordance with this chapter.~~

~~(2) Any), a contract or agreement for the purchase of an interest in a development, whether located in or out of this state, where the current public offering statement has not been given to the purchaser in advance or at the time of ((his)) signing, shall be voidable at the option of the purchaser. ((A purchaser may revoke such contract or agreement within forty-eight hours, where he has received the public offering statement less than forty-eight hours before he signed the contract or agreement, and the contract or agreement shall so provide.)) Where the public offering statement is provided to the purchaser, the purchaser may revoke such contract or agreement within forty-eight hours of the execution of the contract or agreement, or when the public offering statement was provided to the purchaser, whichever is later: PROVIDED, That the contract or agreement shall so provide, Notice of revocation shall be made by written notice delivered to the seller or ((his)) the seller's agent. The time period of forty-eight hours shall not include all or any portion of a Saturday, Sunday, or legal holiday.~~

Sec. 5. Section 7, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.070 are each amended to read as follows:

The ~~((proposed))~~ public offering statement~~(;)~~ required to be ~~((submitted as part of the application for registration, shall be on a form prescribed by rules and regulations adopted by the director and))~~ provided to purchasers shall include the following:

(1) The name and principal address of the developer;

(2) A general description of the development stating the total number of lots, parcels, units, or interests in the offering;

(3) The significant terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the development and each unit or lot, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the development;

(4) A statement of the use for which the property is offered;

(5) Information concerning all existing, advertised, and governmentally required improvements, including, but not limited to, streets, potable water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities, customary utilities, and recreational facilities, and the estimated cost, means of financing, date of completion, and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in a development;

(6) A statement of any hazard on or around the development;

(7) ((Additional information required by the director to assure full and fair disclosure to prospective purchasers)) A statement that the developer has or has not received all approvals and permits required by the local health and planning departments;

(8) A statement setting forth all material terms and conditions of any common improvement or facility in which the purchaser will have a property interest, including the identification of all management or governing documents; and

(9) A statement setting forth all material terms and conditions of a homeowner's association that the purchaser will be a member of, including the identification of all properties and improvements owned by the association, and the management or governing documents thereof.

Sec. 6. Section 12, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.120 are each amended to read as follows:

The developer shall immediately ~~((report to the director))~~ amend the public offering statement to include any material changes ~~((in the information contained in his application for registration))~~ affecting the development. No change in the substance of the promotional plan or plan of disposition or completion of the development may be made ~~((after registration without notifying the director and))~~ without first making an appropriate amendment of the public offering statement. A public offering statement is not current unless it incorporates all amendments. There shall be no liability for failure to incorporate any amendment unless such failure would have entitled the purchaser under generally applicable legal principles to cancel a contract or agreement for purchase of the lot, parcel, or unit had the undisclosed information been evident to the purchaser before the closing of the purchase.

Sec. 7. Section 13, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.130 are each amended to read as follows:

No portion of the public offering statement form may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement ~~((unless the director so requires)).~~

Sec. 8. Section 14, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.140 are each amended to read as follows:

The public offering statement shall not be used for any promotional purposes ~~((it may not be distributed to prospective purchasers before registration of the development))~~ and may be distributed ~~((afterwards only when it is))~~ or used only in its entirety. ~~((No person may advertise or represent that the state of Washington or the director, the department, or any employee thereof approves or recommends the development or disposition thereof.))~~

Sec. 9. Section 17, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.170 are each amended to read as follows:

A copy of the public offering statement issued on land within a development covered by this chapter shall be given by the developer or his agents or salesmen, upon oral or written request, to every adult or head of a family who visits the site of a development as a prospective purchaser whether or not such person agrees to purchase.

Sec. 10. Section 18, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.180 are each amended to read as follows:

It shall be unlawful for the developer to make a sale of lots or parcels within a development which is subject to a blanket encumbrance which does not contain, within its terms or by supplementary agreement, a provision which shall unconditionally provide that the purchaser of a lot or parcel encumbered thereby can obtain the legal title, or other interest contracted for, free and clear of the lien of such blanket encumbrance upon compliance with the terms and conditions of the purchase agreement, unless the developer shall elect and comply with one of the following alternative conditions:

(1) The developer shall deposit earnest moneys and all subsequent payments on the obligation in ((an)) a neutral escrow depository ((acceptable to the director; in cases where the blanket encumbrance does not provide for partial release, all or such portions of the money paid or advanced by the purchaser on any such lot or parcel within said development as the director shall determine to be sufficient to protect the interest of the purchaser; or in cases where the blanket encumbrance provides for partial releases thereof which are not unconditional, the developer shall deposit, at such time as the balance due to the developer from such purchasers is equal to the sum necessary to procure a release of such lots or parcels contracted for from the lien of such blanket encumbrance, all of the sums thereafter received from such purchasers until either)), or real estate trust account regulated under RCW 18.85.310, until such time as all payments on the obligation have been made and clear title is delivered, or any of the following occurs:

(a) A proper release is obtained from such blanket encumbrance;

(b) Either the developer or the purchaser defaults under the sales contract and there is a forfeiture of the interest of the purchaser or there is a determination as to the disposition of such moneys, as the case may be; or

(c) The developer orders a return of such moneys to such purchaser.

(2) The title to the development is held in trust under an agreement of trust ~~((acceptable to the director))~~ until the proper release of such blanket encumbrance is obtained.

~~((3) A bond to the state of Washington or such other proof of financial responsibility is furnished to the director for the benefit and protection of purchasers of such lots or parcels in such an amount and subject to such terms, as may be approved by the director, which shall provide for the return of moneys paid or advanced by any purchaser on account of a sale of any such lot or parcel if a proper release from such blanket encumbrance is not obtained; PROVIDED, That if it should be determined that such purchaser, by reason of default, or otherwise,~~

is not entitled to the return of such moneys or any portion thereof, such bond or other proof of financial responsibility shall be exonerated to the extent and in the amount thereof. The amount of the bond or other proof of financial responsibility may be increased or decreased or a bond may be waived from time to time as the director shall determine:))

Sec. 11. Section 19, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.190 are each amended to read as follows:

No person shall publish in this state any advertisement concerning a development subject to the ((registration)) requirements of this chapter ((after the director finds that the advertisement)) which contains any statements that are false, misleading, or deceptive ((and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order be rescinded. Upon receipt of such a written request, the matter shall be set down for hearing to commence within fourteen days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such order and shall have all powers granted under such act)).

NEW SECTION. Sec. 12. A new section is added to chapter 58.19 RCW to read as follows:

If a developer, or any other person subject to this chapter, fails to comply with any provision of this chapter, any person or class of persons adversely affected by the failure to comply may seek appropriate relief through an action for damages or an injunctive court order. The court, in an appropriate case, may award attorneys' fees.

Sec. 13. Section 27, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.270 are each amended to read as follows:

(1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act, chapter 19.86 RCW, as now or hereafter amended.

(2) ((The director may refer such)) Evidence ((as may be available to him)) concerning violations of this chapter ((or of any rule or regulation adopted hereunder)) may be referred to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

Sec. 14. Section 30, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.300 are each amended to read as follows:

If, ((after)) before disposition of all or any portion of a development which is covered by this chapter, a condition constituting a hazard is discovered on or around the development, the developer or government agency discovering such condition shall notify ((the director immediately. After receiving such notice, the director shall forthwith take all steps necessary to notify the owners)) the purchasers of the affected lands either by transmitting notice through the appropriate county assessor's office or such other steps as might reasonably give actual notice to the ((owners)) purchasers.

Sec. 15. Section 35, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.940 are each amended to read as follows:

This chapter may be cited as the Land Development Act ((of 1973)).

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

- (1) Section 4, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.040;
- (2) Section 6, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.060;
- (3) Section 8, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.080;
- (4) Section 9, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.090;
- (5) Section 10, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.100;
- (6) Section 11, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.110;
- (7) Section 15, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.150;
- (8) Section 16, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.160;
- (9) Section 20, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.200;
- (10) Section 21, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.210;
- (11) Section 22, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.220;
- (12) Section 23, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.230;
- (13) Section 24, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.240;
- (14) Section 25, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.250;
- (15) Section 26, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.260;
- (16) Section 29, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.290;
- (17) Section 31, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.900;

(18) Section 32, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.910; and

(19) Section 34, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.930.

**NEW SECTION.** Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the committee amendment to House Bill No. 1656 expands the scope and object of the bill. To the point, the bill as it came over to us from the House on the Land Development Act, I think, substantially tightened the provisions of that legislative enactment. It had in it a number of things that really clarified and strengthened the law relating to the Land Development Act. The amendment by the Senate committee, in fact, goes entirely the opposite direction and may loosen many of the provisions relating to the Land Development Act, but most pointedly it provides for a section relating to liability, so that a developer is not liable in a situation where the purchaser would be entitled to cancel the contract. The developer is only required to provide a limited amount of information and that information that would go to the developer's liability would be fairly narrow. We think that for that reason, the amendment by the Senate committee certainly expands the scope and fundamentally alters the object of House Bill No. 1656."

There being no objection, the President deferred further consideration of House Bill No. 1656.

#### MOTION

At 10:29 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:47 a.m. by President Pritchard.

#### MOTION

At 11:47 a.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:16 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 10, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5213,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 6, 1989

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5037,

SENATE BILL NO. 5046,

SUBSTITUTE SENATE BILL NO. 5099,

SENATE BILL NO. 5152,

SUBSTITUTE SENATE BILL NO. 5214,

SUBSTITUTE SENATE BILL NO. 5266,

SENATE BILL NO. 5580,

SENATE BILL NO. 5617,

SUBSTITUTE SENATE BILL NO. 5733,

SUBSTITUTE SENATE BILL NO. 5786,

SUBSTITUTE SENATE BILL NO. 5807,

SUBSTITUTE SENATE BILL NO. 5838,

SENATE BILL NO. 5874,

SUBSTITUTE SENATE BILL NO. 6003, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk  
 March 31, 1989

Mr. President:  
 The Speaker has signed:  
 SENATE BILL NO. 5032,  
 SUBSTITUTE SENATE BILL NO. 5034,  
 SENATE BILL NO. 5042,  
 SENATE BILL NO. 5045,  
 SENATE BILL NO. 5079,  
 SENATE BILL NO. 5089, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk  
 April 4, 1989

Mr. President:  
 The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 5041,  
 SUBSTITUTE SENATE BILL NO. 5097,  
 SUBSTITUTE SENATE BILL NO. 5208,  
 SUBSTITUTE SENATE BILL NO. 5263,  
 SUBSTITUTE SENATE BILL NO. 5297,  
 SENATE BILL NO. 5370,  
 SENATE BILL NO. 5668,  
 SENATE BILL NO. 5771, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk  
 March 29, 1989

Mr. President:  
 The Speaker has signed:  
 SENATE BILL NO. 5030,  
 SENATE BILL NO. 5031, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk  
 April 4, 1989

Mr. President:  
 The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 5014,  
 SUBSTITUTE SENATE BILL NO. 5088,  
 SUBSTITUTE SENATE BILL NO. 5193,  
 SENATE BILL NO. 5277,  
 SENATE BILL NO. 5983, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504, by Committee on Environmental Affairs (originally sponsored by Representatives R. King, D. Sommers, Todd, Belcher, Fraser, S. Wilson, Schmidt, Phillips and Cooper)

Providing for the evaluation of indoor air quality in public buildings.

The bill was read the second time.

#### MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler, Thorsness, Craswell, Murray, Metcalf and Williams be adopted:

On page 3, after line 3, insert the following:

NEW SECTION, Sec. 6. (1) Smoking is not allowed in individual work areas, common areas, or public access areas in any state-owned or leased building or space throughout the state except as provided in this section.

(2) An agency shall provide separately enclosed smoking accommodations ventilated to the outside in facilities under the following circumstances:

(a) Employees at the facility request smoking accommodations:

- (b) No employee at the location suffers adverse effects from provision of a smoking area;
  - (c) A smoking area is not cost-prohibitive;
  - (d) A smoking area can be provided within existing space allocations;
  - (e) No other accommodations for smokers exist within the location;
  - (f) The smoking area has been certified by the department of labor and industries as being of proper construction and ventilated to the outside;
  - (g) The decision is made based on discussion in a state-wide labor-management meeting.
- (3) No private office may be used as a smoking area, regardless of whether the occupant smokes.
- (4) Agency directors are responsible for the maintenance of this policy in their agencies.
- (5) No person may smoke in a state-owned or leased motor vehicle that is part of a motor pool, except when that person is driving alone.
- (6) "No smoking" signs shall be conspicuously posted on all entrances to state buildings.
- (7) Smoking material and related supplies shall not be available or for sale within state-owned or leased space.
- (8) A health promotion effort directed toward smoking prevention and cessation shall be implemented no later than September 1, 1989.
- (9) Agency recruiting bulletins shall include a statement that the state does not allow smoking at individual work areas and other identified areas in the workplace.
- (10) Job applicants shall be informed of the clean air policy during the interview. Applicants shall not be asked if they are smokers, nor will smokers be discriminated against in hiring.
- (11) The living quarters of inmates at state-owned or leased correctional facilities, state-owned, leased or contracted for building which are residential facilities are exempt from this section.

**NEW SECTION.** Sec. 7. It is unlawful for an agency to discharge or in any manner discriminate against any employee who exercises his or her rights under this chapter if the dominant intent of the agency is retaliation against the employee for exercising those rights.

(2) In undertaking the enforcement of this chapter, the state is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that the breach proximately caused injury."

Renumber the remaining sections consecutively.

#### POINT OF ORDER

Senator Nelson: "Mr. President, a point of order. I find that I would like to challenge this amendment on scope and object. As worthwhile as the amendment may be in concept, it is, in fact, a codification of the Governor's Executive Order that is still in place and actually has the effect of law within the public buildings. This particular measure that is before us does not have statutory requirements from the standpoint of trying to now do something with respect to smoking. It, in fact, takes care of all indoor air quality problems by having a study implemented to actually come back to the Legislature and to provide the Legislature with the necessary framework in which to now address air quality in all public buildings throughout state government, local government and school districts. It seems as though this amendment now embodies the content of another bill that had been before us, but more importantly, it does stretch the object of what we were trying to do in Engrossed Substitute House Bill No. 1504."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senators Kreidler, Thorsness, Craswell, Murray, Metcalf and Williams to Engrossed Substitute House Bill No. 1504.

#### MOTION

Senator Murray moved that the following amendment by Senators Murray, Kreidler, Craswell and Rinehart be adopted:

On page 3, after line 28, insert the following:

"(4) The superintendent shall assist each school district board of directors in adopting a written policy mandating a prohibition on the use of all tobacco products on public school property. The directors may set the schedule for the development and enforcement of this policy, except that a total ban on the use of all tobacco products must be enforced by September 1, 1991."

## POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I wish to also challenge this amendment on scope and object. This was the content of another measure as well, and we have amended Engrossed Substitute House Bill No. 1444 with the same language. In that case, I believe, the language would be more appropriately fitting. I want to point out that this particular amendment directs that the Superintendent of Public Instruction shall assist every school board in adopting written policies mandating all tobacco products being on public school property. The amendment itself, I know has good intentions, but if an individual were to walk on to school property with a little can of Copenhagen in their pocket—not using them but just simply having them in possession—they would be in violation of the intent of this amendment as written. I think that there is appropriate legislation that can essentially carry the intent of this particular amendment of which I personally support, but I believe to place it on this measure would be beyond the scope and object of the bill."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1504 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415, by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Doty, Anderson and P. King) (by request of Higher Education Coordinating Board)

Revising provisions for tuition fees.

The bill was read the second time.

## MOTIONS

Senator Saling moved that the following Committee on Higher Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 257, Laws of 1981 as last amended by section 24, chapter 390, Laws of 1985 and RCW 28B.15.402 are each amended to read as follows:

Tuition fees and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year ((thereafter)) shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total of tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously

committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(6) Notwithstanding the provisions of RCW 28B.15.067, for the 1989-91 biennium the undergraduate and graduate cost relationship developed by the 1987 cost study for Central Washington University shall be used to establish tuition fees for the regional universities and The Evergreen State College.

NEW SECTION. Sec. 2. (1) The higher education coordinating board, with cooperation from the institutions of higher education, shall conduct a full review and analysis of the accuracy and consistency of the educational costs study. The board shall report to the legislature by December 1990, outlining its findings and making recommendations upon establishing a modified tuition fees structure based upon educational costs.

(2) The board shall conduct a full analysis and comparison of the educational costs at the University of Washington and Washington State University. The board shall also perform a comparison of the tuition fees charged at the University of Washington and Washington State University with tuition at their respective peer institutions. The board will provide recommendations on whether different levels of tuition fees should be charged at each of the state research universities.

Sec. 3. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 65, chapter 370, Laws of 1985 and by section 16, chapter 390, Laws of 1985 and RCW 28B.15.070 are each reenacted and amended to read as follows:

(1) The house and senate committees responsible for higher education shall develop, in cooperation with the higher education coordinating board (~~(and)~~), the respective fiscal committees of the house and senate, the office of financial management, and the state institutions of higher education by December of (~~each odd-numbered~~) every fourth year beginning in 1989, definitions, criteria, and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges upon which tuition fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the board shall be deemed to be approved.

(2) The state institutions of higher education in cooperation with the higher education coordinating board shall perform an educational cost study pursuant to subsection (1) of this section. The study shall be conducted based on every fourth academic year beginning with 1989-90. Institutions shall complete the studies within one year of the end of the study year and report the results to the higher education coordinating board for consolidation, review, and distribution.

(3) In order to conduct the study required by subsection (2) of this section, the higher education coordinating board, in cooperation with the institutions of higher education, shall develop a methodology that requires the collection of comparable educational cost data, which utilizes a faculty activity analysis or similar instrument.

Sec. 4. Section 4, chapter 257, Laws of 1981 as last amended by section 66, chapter 370, Laws of 1985 and by section 17, chapter 390, Laws of 1985 and RCW 28B.15.076 are each reenacted and amended to read as follows:

The higher education coordinating board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year except the year 1990 for which the transmittal shall be made by December 17. Tuition fees shall be based on such costs in accordance with the provisions of this chapter.

NEW SECTION. Sec. 5. The state treasurer, in cooperation with other appropriate state agencies and institutions of higher education, shall study prepaid tuition payment programs and submit a report, including recommendations, to the higher education committees of both the house of representatives and senate by January 1, 1990.

On motion of Senator Saling, the following amendment to the Committee on Higher Education amendment was adopted:

On page 6, after line 17 of the amendment, strike all the material down to and including line 27 of the amendment

On motion of Senator Saling, the following amendment to the Committee on Higher Education amendment was adopted:

On page 6, after line 27, insert the following:

\*Sec. 6. Section 3, chapter 12, Laws of 1987 and RCW 28B.15.527 are each amended to read as follows:

The boards of trustees of the community colleges may waive the nonresident portion of tuition fees for undergraduate students of foreign nations as follows:

(1) Priority in the awarding of waivers shall be given to students on academic exchanges and students participating in special programs recognized through formal agreements between states, cities, or institutions;

(2) The waiver programs under this section shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of foreign students granted



resident tuition through this program shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period;

(3) No reciprocal placements shall be required for up to thirty students participating in the Geogelown University scholarship program funded by the United States agency for international development;

(4) Participation shall be limited to one hundred full-time foreign students each year."

The President declared the question before the Senate to be the adoption of the striking Committee on Higher Education amendment, as amended, to Engrossed Substitute House Bill No. 1415.

The motion by Senator Saling carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Saling, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.15.402; reenacting and amending RCW 28B.15.070 and 28B.15.076; and creating new sections."

On page 7, line 4 of the title amendment, after "28B.15.402" insert "and 28B.15.527"

On page 7, line 6 of the title amendment, strike "new sections" and insert "a new section"

On motion of Senator Saling, the rules were suspended, Engrossed Substitute House Bill No. 1415, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1415, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1415, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators DeJarnatt, Hansen, Wojahn - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Talmadge: "I wish to speak on a point of personal privilege, Mr. President. I will be attending a Farm Worker's Fund Raiser for Justice, Thursday, April 13, from 6:00 to 9:00 p.m. here in Olympia at St Michael's Church, 1201 Boundary, and I would urge other members of the Senate, if they are interested in speaking to certain issues of simple justice in terms of exposure to toxic chemicals in the work place and issues of concern relating to the application of industrial laws to people working in agriculture, to join me and a number of others who will be there at that particular function."

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator West moved to reconsider the vote by which the amendment by Senator McCaslin on page 2, line 11, to the Committee on Health Care and Corrections amendment to Engrossed Substitute House Bill No. 1104 was adopted April 11, 1989.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West to reconsider the vote by which the amendment by Senator McCaslin

on page 2, line 11, to the Committee on Health Care and Corrections amendment to Engrossed Substitute House Bill No. 1104 was adopted.

The motion for reconsideration carried on a rising vote.

The amendment by Senator McCaslin to the Committee on Health Care and Corrections amendment was not adopted upon reconsideration.

The President declared the question before the Senate to be the adoption of the Committee on Health Care and Corrections amendment, without the amendment by Senator McCaslin on page 2, line 11, to Engrossed Substitute House Bill No. 1104.

#### POINT OF INQUIRY

Senator Pullen: "Senator West, is there any language in the Senate committee amendment to Engrossed Substitute House Bill No. 1104 that expands the geographical areas of testing?"

Senator West: "No, there's not. The specific language in the bill that requires that any expansion--and the expansion you'll find in Sub-Section 5--any expansion would be required to be brought back to the standing committees of both the House and the Senate for their review and approval."

Senator Pullen: "Then the standing committees alone and not the entire Legislature could provide for an increase in the geographical areas of testing?"

Senator West: "That's correct, Senator Pullen. That is current law. All we did in that area was limit it to those things required to expand the geographical area. Current law said that every rule by the department had to be brought back to the standing committees for their approval. That was every single rule. We limited that only to those rules that would expand their territory."

The Committee on Health Care and Corrections amendment, without the amendment by Senator McCaslin, to Engrossed Substitute House Bill No. 1104 was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 46.16.015, 70.120.020, 70.120.070, 70.120.110, and 70.120.120; adding new sections to chapter 70.120 RCW; creating new sections; repealing RCW 70.120.030, 70.120.040, 70.120.050, and 70.120.060; repealing section 17, chapter 163, Laws of 1979 ex. sess. (unmodified); prescribing penalties; providing an expiration date; and providing an effective date."

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1104, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Murray: "Senator West, Senator Rasmussen referred to the fees. Can you tell me what the fees are? Do you know what they are?"

Senator West: "Just to clear that up, Senator Rasmussen stated a hundred fifty dollars for the waiver fee. It's a hundred fifty dollars from 1981 to the current year. It's fifty dollars for the older cars back to 1968, and we did that in consideration of the fact that the poorer people probably own the older cars."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1104, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1104, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bauer, Bender, Bluechel, Cantu, Gaspard, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Niemi, Owen, Rinehart, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Conner, Craswell, Fleming, Hayner, McCaslin, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer - 20.

Absent: Senator Matson - 1.

Excused: Senators DeJarnatt, Hansen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1104, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 2:06 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:47 p.m. by President Pritchard.

#### MOTION

At 3:47 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:19 p.m. by President Pritchard.

#### MOMENT OF SILENCE

The President asked the members to stand for a moment of silence in memory of Gordon Gaspard, father of Senator Marcus Gaspard.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

April 11, 1989

GA 9059 RUBY N. RYLES, appointed September 28, 1988, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Lee, Vice Chairman, Bender, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5301,

SENATE BILL NO. 5393,

SENATE BILL NO. 5480,

SENATE BILL NO. 5636,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,

SENATE BILL NO. 5680,

ENGROSSED SENATE BILL NO. 5756,

SENATE BILL NO. 5887,

ENGROSSED SENATE BILL NO. 5990,

SENATE BILL NO. 6057,

SENATE JOINT MEMORIAL NO. 8011, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 12, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1025,

HOUSE BILL NO. 1062.

HOUSE BILL NO. 1117,  
 HOUSE BILL NO. 1162,  
 HOUSE BILL NO. 1163,  
 SUBSTITUTE HOUSE BILL NO. 1192,  
 HOUSE BILL NO. 1205,  
 HOUSE BILL NO. 1282,  
 SUBSTITUTE HOUSE BILL NO. 1287,  
 HOUSE BILL NO. 1290,  
 HOUSE BILL NO. 1330,  
 HOUSE BILL NO. 1348,  
 SUBSTITUTE HOUSE BILL NO. 1355,  
 SUBSTITUTE HOUSE BILL NO. 1379,  
 HOUSE BILL NO. 1418,  
 HOUSE BILL NO. 1454,  
 HOUSE BILL NO. 1468,  
 SUBSTITUTE HOUSE BILL NO. 1548,  
 HOUSE BILL NO. 2158, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 12, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1480,  
 SUBSTITUTE HOUSE BILL NO. 1503,  
 SUBSTITUTE HOUSE BILL NO. 1639,  
 SUBSTITUTE HOUSE BILL NO. 1651,  
 SUBSTITUTE HOUSE BILL NO. 1658,  
 HOUSE BILL NO. 1689,  
 HOUSE BILL NO. 1762,  
 SUBSTITUTE HOUSE BILL NO. 1774, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5301,  
 SENATE BILL NO. 5393,  
 SENATE BILL NO. 5480,  
 SENATE BILL NO. 5636,  
 SUBSTITUTE SENATE BILL NO. 5644,  
 SENATE BILL NO. 5680,  
 SENATE BILL NO. 5756,  
 SENATE BILL NO. 5887,  
 SENATE BILL NO. 5990,  
 SENATE BILL NO. 6057,  
 SENATE JOINT MEMORIAL NO. 8011.

SIGNED BY THE PRESIDENT

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HOUSE BILL NO. 1025,  
 HOUSE BILL NO. 1062,  
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 HOUSE BILL NO. 1162,  
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 HOUSE BILL NO. 1330,  
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 SUBSTITUTE HOUSE BILL NO. 1379,

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HOUSE BILL NO. 1454,  
HOUSE BILL NO. 1468,  
SUBSTITUTE HOUSE BILL NO. 1548,  
HOUSE BILL NO. 2158.

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HOUSE BILL NO. 1480,  
SUBSTITUTE HOUSE BILL NO. 1503,  
SUBSTITUTE HOUSE BILL NO. 1639,  
SUBSTITUTE HOUSE BILL NO. 1651,  
SUBSTITUTE HOUSE BILL NO. 1658,  
HOUSE BILL NO. 1689,  
HOUSE BILL NO. 1762,  
SUBSTITUTE HOUSE BILL NO. 1774.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5066,  
SECOND SUBSTITUTE SENATE BILL NO. 5111,  
SUBSTITUTE SENATE BILL NO. 5151,  
SUBSTITUTE SENATE BILL NO. 5275,  
SENATE BILL NO. 5440,  
SENATE BILL NO. 5579,  
SUBSTITUTE SENATE BILL NO. 5614,  
SUBSTITUTE SENATE BILL NO. 5746,  
SUBSTITUTE SENATE BILL NO. 5782,  
SUBSTITUTE SENATE BILL NO. 5790,  
SENATE BILL NO. 5809,  
SENATE BILL NO. 5871,  
SUBSTITUTE SENATE BILL NO. 5886,  
SENATE BILL NO. 5987,  
SENATE BILL NO. 6012.

#### MOTION

At 4:26 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:00 a.m., Thursday, April 13, 1989.

JOEL PRITCHARD, President of the Senate.  
GORDON A. GOLOB, Secretary of the Senate.

## NINETY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, April 13, 1989

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, DeJarnatt, Fleming, Gaspard and Hansen. On motion of Senator Anderson, Senators Amondson and Barr were excused. On motion of Senator Bender, Senators DeJarnatt, Fleming, Gaspard and Hansen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ulrik Bie and Craig Scott, presented the Colors. Robert Carstensen, High Councilor of the Olympia, Washington Stake of the Church of Jesus Christ Latter-Day Saints offered the prayer.

#### MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

#### INTRODUCTION AND FIRST READING

SB 6141 by Senator Madsen

AN ACT Relating to insurance contracts; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6142 by Senator Metcalf

AN ACT Relating to the department of wildlife.

Referred to Committee on Environment and Natural Resources.

SB 6143 by Senator Metcalf

AN ACT Relating to the wildlife commission.

Referred to Committee on Environment and Natural Resources.

SB 6144 by Senator Metcalf

AN ACT Relating to the director of the department of wildlife.

Referred to Committee on Environment and Natural Resources.

SB 6145 by Senator Barr

AN ACT Relating to rural health care; amending RCW 70.39.020, 70.38.025, and 70.38.111; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 70.39 RCW; adding a new chapter to Title 18 RCW; adding new chapters to Title 70 RCW; and creating new sections.

Referred to Committee on Health Care and Corrections.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1841, by Representatives Peery and Winsley

Establishing criteria for composing the instructional materials committee.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 2, line 2, after "parents" strike "and others"

On motion of Senator Bailey, the rules were suspended, Engrossed House Bill No. 1841, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1841, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1841, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Barr, DeJarnatt, Fleming, Gaspard, Hansen - 6.

ENGROSSED HOUSE BILL NO. 1841, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1729, by Representatives Dellwo, Chandler, Crane and Doty (by request of Department of General Administration)

Cleaning up provisions of Title 30 RCW.

The bill was read the second time.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1729 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1729.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1729 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Vognild - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

HOUSE BILL NO. 1729, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671, by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King)

Providing major solid waste reform.

The bill was read the second time.

#### MOTION

Senator Metcalf moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

## I.

## LEGISLATIVE FINDINGS AND DEFINITIONS

Sec. 1. Section 1, chapter 134, Laws of 1969 ex. sess. as last amended by section 1, chapter 345, Laws of 1985 and RCW 70.95.010 are each amended to read as follows:

FINDINGS. The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) (The following priorities in the management of solid waste are necessary and should be followed in order of descending priority as applicable:

(a) Waste reduction;

(b) Waste recycling;

(c) Energy recovery or incineration, and

(d) Landfill.

(5) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by 1995.

(10) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(11) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(12) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(13) Excessive and nonrecyclable packaging of products should be avoided.

(14) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.



(15) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(16) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(17) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(18) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

(19) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded ((vehicle)) tires and other problem wastes with the subsequent conservation of resources and energy.

## II.

### RECYCLING SERVICE LEVELS, LOCAL COMPREHENSIVE SOLID WASTE MANAGEMENT PLANS, AND FINANCIAL AND TECHNICAL ASSISTANCE

Sec. 2. Section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 3, chapter 345, Laws of 1985 and RCW 70.95.030 are each amended to read as follows:

DEFINITIONS. As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

~~((3))~~ (4) "Department" means the department of ecology.

~~((4))~~ (5) "Director" means the director of the department of ecology.

~~((5))~~ (6) "Disposal site" means the location where any final treatment, utilization, processing, or ~~((depository))~~ deposit of solid waste occurs.

~~((6))~~ (7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste by the use of an enclosed device using controlled flame combustion.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

~~((7))~~ (9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Jurisdictional health department" means city, county, city-county, or district public health department.

~~((8))~~ (11) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(12) "Local government" means a city, town, or county.

(13) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((9))~~ (14) "Recyclable materials" means those solid wastes that are separated for recycling or reuse pursuant to the waste reduction and recycling element of a local comprehensive solid waste management plan.

(15) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(16) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and ~~((discarded commodities))~~ recyclable materials.

~~((10))~~ (17) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from ~~((such))~~ solid wastes or the conversion of the energy in ~~((such))~~ solid wastes to more useful forms or combinations thereof.

~~((11))~~ (18) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(19) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(20) "Waste reduction" means reducing the amount or ~~((type))~~ toxicity of waste generated or reusing materials.

((12) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream;

(13) "Energy recovery or incineration" means reducing the volume of wastes by use of an enclosed device using controlled flame combustion;

(14) "Landfill" means a disposal facility or part of a facility at which waste is placed in or on land and which is not a land treatment facility;

(15) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks;))

Sec. 3. Section 9, chapter 134, Laws of 1969 ex. sess. as last amended by section 5, chapter 123, Laws of 1984 and RCW 70.95.090 are each amended to read as follows:

LOCAL WASTE MANAGEMENT PLANS. Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by ~~((his operation))~~ the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from residential dwellings, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the rate payer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to collect yard waste, if the county or city submitting the plan finds that there are adequate markets or capacity for composted yard waste within or near the service area to consume the majority of the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling.

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector

recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services.

(d) Other information the county or city submitting the plan determines is necessary.

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(9) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

NEW SECTION, Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

SERVICE LEVELS IN PLANS. Levels of service shall be defined in the waste reduction and recycling element of each local comprehensive solid waste management plan and shall include the services set forth in RCW 70.95.090. In determining which service level is provided to residential and nonresidential waste generators in each community, counties and cities shall develop clear criteria for designating areas as urban or rural. In designating urban areas, local governments shall consider the planning guidelines adopted by the department, total population, population density, and any applicable land use or utility service plans.

Sec. 5. Section 11, chapter 134, Laws of 1969 ex. sess. as amended by section 7, chapter 123, Laws of 1984 and RCW 70.95.110 are each amended to read as follows:

PLANNING DEADLINES. (1) The comprehensive county solid waste management plans and any comprehensive city solid waste management plans prepared in accordance with RCW 70.95.080 shall be maintained in a current condition and reviewed and revised periodically by counties and cities as may be required by the department. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty years in the future, and a revised construction and capital acquisition program for six years in the future. Each revised solid waste management plan shall be submitted to the department.

Each plan shall be reviewed and revised within five years of ((June 7)) July 1, 1984, and thereafter shall be reviewed, and revised if necessary((at least once every five years)) according to the schedule provided in subsection (2) of this section.

(2) Cities and counties preparing solid waste management plans shall submit the waste comprehensive reduction and recycling element required in RCW 70.95.090 and any revisions to other elements of its comprehensive solid waste management plan to the department no later than:

(a) July 1, 1991, for class one areas;

(b) July 1, 1992, for class two areas; and

(c) July 1, 1994, for class three areas.

Thereafter, each plan shall be reviewed and revised, if necessary, at least every five years.

(3) The classes of areas are defined as follows:

(a) Class one areas are the counties of Spokane, Snohomish, King, Pierce, and Kitsap and all the cities therein.

(b) Class two areas are all other counties located west of the crest of the Cascade mountains and all the cities therein.

(c) Class three areas are the counties east of the crest of the Cascade mountains and all the cities therein, except for Spokane county.

(4) Cities and counties shall begin implementing the programs to collect source separated materials no later than one year following the adoption and approval of the waste reduction and recycling element and these programs shall be fully implemented within two years of approval.

Sec. 6. Section 10, chapter 134, Laws of 1969 ex. sess. as amended by section 6, chapter 123, Laws of 1984 and RCW 70.95.100 are each amended to read as follows:

TECHNICAL ASSISTANCE. (1) The department or the commission, as appropriate, shall provide to counties and cities technical assistance including, but not limited to, planning guidelines, in the preparation, review, and revision of solid waste management plans required by this chapter. ((Each comprehensive county solid waste management plan shall be submitted to the department for technical review and approval. The department may recommend revisions essential to the achievement of effective solid waste management and the purposes of this chapter.)) Guidelines prepared under this section shall be consistent with the provisions of this chapter and, if adopted, the state solid waste management plan prepared pursuant to RCW 70.95.260.

(2) The department shall be responsible for development and implementation of a comprehensive state-wide public information program designed to encourage waste reduction, source separation, and recycling by the public. The department shall operate a toll free hotline to provide the public information on waste reduction and recycling.

(3) The department shall provide technical assistance to local governments in the development and dissemination of informational materials and related activities to assure recognition of locally unique waste reduction and recycling programs.

(4) Local governments shall make all materials and information developed with the assistance grants provided under RCW 70.95.130 available to the department for potential use in other areas of the state.

Sec. 7. Section 13, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.130 are each amended to read as follows:

**FINANCIAL ASSISTANCE.** Any county may apply to the department on a form prescribed thereby for financial aid for the preparation of the comprehensive county plan for solid waste management required by RCW 70.95.080. Any city electing to prepare an independent city plan, a joint city plan, or a joint county-city plan for solid waste management for inclusion in the county comprehensive plan may apply for financial aid for such purpose through the county. Every city application for financial aid for planning shall be filed with the county auditor and shall be included as a part of the county's application for financial aid. Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction.

Any city or county may also apply for financial aid to prepare public informational materials promoting waste reduction and recycling and for related programs pursuant to the comprehensive plan.

The department shall allocate to the counties and cities applying for financial aid for planning, such funds as may be available pursuant to legislative appropriations or from any federal grants for such purpose.

The department shall determine priorities and allocate available funds among the counties and cities applying for aid according to criteria established by regulations of the department considering population, urban development, environmental effects of waste disposal, existing waste handling practices, proposed programs for waste reduction and recycling, and the local justification of their proposed expenditures.

**NEW SECTION.** Sec. 8. A new section is added to chapter 70.95 RCW to read as follows:

**ECOLOGICAL REVIEW OF LOCAL PLANS.** (1) The department and local jurisdictions preparing plans are encouraged to work cooperatively during plan development. Each county and city preparing a comprehensive solid waste management plan shall submit a preliminary draft plan to the department for technical review. The department shall review and comment on the draft plan within one hundred twenty days of receipt. The department's comments shall state specific actions or revisions that must be completed for plan approval.

(2) Each final draft solid waste management plan shall be submitted to the department for approval. The department will limit its comments on the final draft plans to those issues identified during its review of the draft plan and any other changes made between submittal of the preliminary draft and final draft plans. Disapproval of the local comprehensive solid waste management plan shall be supported by specific findings. A final draft plan shall be deemed approved if the department does not disapprove it within forty-five days of receipt.

(3) If the department disapproves a plan or any plan amendments, the submitting entity may appeal the decision under the procedures of Part IV of chapter 34.05 RCW. An administrative law judge shall preside over the appeal. The appeal shall be limited to review of the specific findings which supported the disapproval under subsection (2) of this section.

Sec. 9. Section 26, chapter 134, Laws of 1969 ex. sess. as amended by section 23, chapter 6, Laws of 1985 and by section 8, chapter 345, Laws of 1985 and RCW 70.95.260 are each reenacted and amended to read as follows:

**STATE PLAN.** The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this chapter.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government, the department of community development, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program. The plan shall be developed into a single integrated document and shall be adopted no later than October 1990. The plan shall be revised regularly after its initial completion so that local governments revising local comprehensive solid waste management plans can take advantage of the data and analysis in the state plan.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) Develop state-wide programs to increase public awareness of and participation in tire recycling, and to stimulate and encourage local private tire recycling centers and public participation in tire recycling.

(6) May, under the provisions of the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

Sec. 10. Section 16, chapter 134, Laws of 1969 ex. sess. as amended by section 29, chapter 127, Laws of 1988 and RCW 70.95.160 are each amended to read as follows:

**IMPLEMENTING SERVICE LEVELS.** Each county, or any city, or jurisdictional board of health shall adopt regulations or ordinances governing solid waste handling implementing the comprehensive solid waste management plan covering storage, collection, transportation, treatment, utilization, processing and final disposal including but not limited to the issuance of permits and the establishment of minimum levels and types of service for any aspect of solid waste handling. County regulations or ordinances adopted regarding levels and types of service shall not apply within the limits of any city where the city has by local ordinance determined that the county shall not exercise such powers within the corporate limits of the city. Such regulations or ordinances shall assure that solid waste storage and disposal facilities are located, maintained, and operated in a manner so as properly to protect the public health, prevent air and water pollution, are consistent with the priorities established in RCW 70.95.010, and avoid the creation of nuisances. Such regulations or ordinances may be more stringent than the minimum functional standards adopted by the department. Regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department.

Sec. 11. Section 4, chapter 123, Laws of 1984 and RCW 70.95.165 are each amended to read as follows:

(1) Each county or city siting a solid waste disposal facility shall review each potential site for conformance with the standards as set by the department for:

- (a) Geology;
- (b) Ground water;
- (c) Soil;
- (d) Flooding;
- (e) Surface water;
- (f) Slope;
- (g) Cover material;
- (h) Capacity;
- (i) Climatic factors;
- (j) Land use;
- (k) Toxic air emissions; and
- (l) Other factors as determined by the department.

(2) The standards in subsection (1) of this section shall be designed to use the best available technology to protect the environment and human health, and shall be revised periodically to reflect new technology and information.

(3) Each county shall establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption. Such committees shall consist of ~~((up to))~~ a minimum of nine members and shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, and local elected public officials. The members shall be appointed by the county legislative authority. A county or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under chapter 43.99F RCW, for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee.

**NEW SECTION.** Sec. 12. A new section is added to chapter 70.95 RCW to read as follows:

**UTILITIES AND TRANSPORTATION COMMISSION COST ASSESSMENT.** Upon receipt, the department shall immediately provide the utilities and transportation commission with a copy of each preliminary draft local comprehensive solid waste management plan. Within forty-five days after receiving a plan, the commission shall have reviewed the plan's assessment of solid waste collection cost impacts on rates charged by solid waste collection companies regulated under chapter 81.77 RCW and shall advise the county or city submitting the plan and the department of the probable effect of the plan's recommendations on those rates.

Sec. 13. Section 1, chapter 184, Laws of 1988 and RCW 70.95.280 are each amended to read as follows:

**WASTE STREAM MONITORING.** The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected from each area for which a local comprehensive plan has been adopted. The department shall adopt guidelines for reporting and for keeping proprietary information confidential.

III.  
RECYCLING SERVICES

Sec. 14. Section 35.21.120, chapter 7, Laws of 1965 as amended by section 18, chapter 282, Laws of 1986 and RCW 35.21.120 are each amended to read as follows:

Every city or town may by ordinance provide for the establishment of a system of ((garbage)) solid waste collection and disposal or recyclable materials collection and disposal, or both, for the entire city or town or for portions thereof, and award contracts for ((garbage)) solid waste collection and disposal and recyclable materials collection and disposal, or provide for it under the direction of officials and employees of the city or town. Contracts for solid waste handling may provide that a city or town pay a minimum periodic fee in consideration of the operational availability of a solid waste or recyclable materials handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste or recyclable materials actually handled during all or any part of the contract period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste or recyclable materials handled during the contract period falls below the minimum level provided in the contract.

NEW SECTION. Sec. 15. A new section is added to chapter 36.58 RCW to read as follows:

COUNTY SURCHARGE. The legislative authority of any county may impose a fee upon the solid waste collection services of a solid waste collection company operating within the unincorporated areas of the county, to fund the administration and planning expenses that may be incurred by the county in complying with the requirements in RCW 70.95.090.

NEW SECTION. Sec. 16. A new section is added to chapter 70.95 RCW to read as follows:

ECOLOGY/LOCAL HEALTH DEPARTMENT AGREEMENTS. Any jurisdictional health department and the department of ecology may enter into an agreement providing for the exercise by the department of ecology of any power that is specified in the contract and that is granted to the jurisdictional health department under this chapter. However, the jurisdictional health department shall have the approval of the legislative authority or authorities it serves before entering into any such agreement with the department of ecology.

IV.  
COLLECTION OF RECYCLABLES

Sec. 17. Section 2, chapter 295, Laws of 1961 and RCW 81.77.010 are each amended to read as follows:

As used in this chapter:

(1) "Motor vehicle" means any truck, trailer, semitrailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting ((garbage and refuse)) solid waste, for the collection and/or disposal thereof;

(2) "Public highway" means every street, road, or highway in this state;

(3) "Common carrier" means any person who undertakes to transport ((garbage and refuse)) solid waste, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules;

(4) "Contract carrier" means all garbage and refuse transporters not included under the terms "common carrier" and "private carrier," as herein defined, and further, shall include any person who under special and individual contracts or agreements transports ((garbage and refuse)) solid waste by motor vehicle for compensation;

(5) "Private carrier" means a person who, in his own vehicle, transports ((garbage or refuse)) solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith; PROVIDED, That a person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste shall not constitute a private carrier;

(6) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any ((garbage or refuse)) solid waste is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks;

(7) ((Garbage and refuse)) Solid waste collection company" means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting ((garbage and refuse)) solid waste for collection and/or disposal for compensation, except septic tank pumps, over any public highway in this state whether as a "common carrier" thereof or as a "contract carrier" thereof;

(8) Solid waste collection does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, nor collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80 RCW; and

(9) "Solid waste" means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences.

Sec. 18. Section 3, chapter 295, Laws of 1961 and RCW 81.77.020 are each amended to read as follows:

No person, his lessees, receivers, or trustees, shall engage in the business of operating as a ~~((garbage and refuse))~~ solid waste collection company in this state, except in accordance with the provisions of this chapter: PROVIDED, That the provisions of this chapter shall not apply to the operations of any ~~((garbage and refuse))~~ solid waste collection company under a contract of ~~((garbage or refuse))~~ solid waste disposal with any city or town, nor to any city or town which itself undertakes the disposal of ~~((garbage or refuse))~~ solid waste.

**NEW SECTION.** Sec. 19. A new section is added to chapter 81.77 RCW to read as follows:

The provisions of chapter 81.77 RCW shall not apply to the collection or transportation of source separated recyclable materials from residences under a contract with any county, city, or town, nor to any city or town which itself undertakes the collection and transportation of source separated recyclable materials from residences.

Sec. 20. Section 4, chapter 295, Laws of 1961 as last amended by section 1, chapter 239, Laws of 1987 and RCW 81.77.030 are each amended to read as follows:

The commission shall supervise and regulate every ~~((garbage and refuse))~~ solid waste collection company in this state,

- (1) By fixing and altering its rates, charges, classifications, rules and regulations;
- (2) By regulating the accounts, service, and safety of operations;
- (3) By requiring the filing of annual and other reports and data;
- (4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

(5) By ~~((reviewing))~~ requiring compliance with local solid waste management plans ((through letters of compliance submitted by the county legislative authority. The compliance letters shall become part of the record in any rate, compliance, or any hearing held by the commission on the issuance, revocation, or reissuance of a certificate as provided for in RCW 81.77.070)) and related implementation ordinances;

(6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing if more than one certificate is granted in an area.

The commission, on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has willfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a ~~((garbage and refuse))~~ solid waste collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 21. Section 5, chapter 295, Laws of 1961 as amended by section 2, chapter 239, Laws of 1987 and RCW 81.77.040 are each amended to read as follows:

No ~~((garbage and refuse))~~ solid waste collection company shall hereafter operate for the hauling of ~~((garbage and refuse))~~ solid waste for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. A condition of operating a ~~((garbage and refuse))~~ solid waste company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for ~~((garbage and refuse))~~ solid waste collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expended on the purported plant for ~~((garbage and refuse))~~ solid waste collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

Except as provided in section 29 of this act, when an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing ~~((garbage and refuse))~~ solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a ~~((garbage and refuse))~~ solid waste collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Any ~~((garbage and refuse))~~ solid waste collection company which upon July 1, 1961 is operating under authority of a common carrier or contract carrier permit issued under the

provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such ~~((garbage and refuse))~~ solid waste collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

For purposes of issuing certificates under this chapter, the commission may adopt categories of solid wastes, including but not limited to garbage, refuse, and demolition debris. A certificate may be issued for one or more categories of solid waste. Certificates issued on or before the effective date of this act shall not be expanded or restricted by operation of this chapter.

Sec. 22. Section 6, chapter 295, Laws of 1961 as amended by section 9, chapter 115, Laws of 1973 and RCW 81.77.050 are each amended to read as follows:

Any application for a certificate ~~((of public convenience and necessity))~~ issued under this chapter or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate ~~((of public convenience and necessity))~~ issued under this chapter or any interest therein, shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 23. Section 7, chapter 295, Laws of 1961 and RCW 81.77.060 are each amended to read as follows:

The commission, in granting certificates to operate a ~~((garbage and refuse))~~ solid waste collection company, shall require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each motor propelled vehicle used or to be used in transporting ~~((garbage or refuse))~~ solid waste for compensation in the amount of not less than twenty-five thousand dollars for any recovery for personal injury by one person, and not less than ten thousand dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury by reason of one act of negligence, and not less than ten thousand dollars for damage to property of any person other than the assured, and to maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for revocation of the delinquent's certificate.

Sec. 24. Section 9, chapter 295, Laws of 1961 as last amended by section 3, chapter 143, Laws of 1971 ex. sess. and RCW 81.77.080 are each amended to read as follows:

Every ~~((garbage and refuse))~~ solid waste collection company shall, on or before the 1st day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to ~~((eight tenths of))~~ one percent of the amount of gross operating revenue: PROVIDED, That the fee shall in no case be less than one dollar.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the ~~((garbage and refuse))~~ solid waste collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

Sec. 25. Section 11, chapter 295, Laws of 1961 as amended by section 2, chapter 436, Laws of 1985 and RCW 81.77.100 are each amended to read as follows:

Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

However, in order to protect public health and safety and to ensure ~~((garbage and refuse))~~ solid waste collection services are provided to all areas of the state, the commission, in accordance with this chapter, shall regulate all ~~((garbage or refuse))~~ solid waste collection companies conducting business in the state.

Sec. 26. Section 2, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.110 are each amended to read as follows:

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a ~~((garbage and refuse))~~ solid waste collection company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the area or territory covered thereby is not contained in the certificate of any other ~~((garbage and refuse))~~ solid waste collection company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe



such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. The commission shall collect a fee of twenty-five dollars for an application for such temporary certificate.

Sec. 27. Section 1, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.030 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in third through eighth class counties, and in any county of the first class east of the crest of the Cascades, at any designated disposal site that shall be securely fenced, manned by an attendant during all hours open to the public, charge a tipping fee for use of the service, and is operated as a transfer station.

Sec. 28. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. as amended by section 20, chapter 282, Laws of 1986 and RCW 36.58.040 are each amended to read as follows:

The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: PROVIDED, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to construct, lease, purchase, acquire, manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements with public or private parties providing for the construction, purchase, acquisition, lease, maintenance, and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW.

The legislative authority of a county may award contracts for solid waste handling, and such contracts may provide that a county pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contractual period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

The legislative authority of a county may:

(1) By ordinance award a contract to collect source separated recyclable materials from residences within unincorporated areas. The legislative authority has complete authority to manage, regulate, and fix the price of the source separated recyclable collection service. The contracts may provide that the county pay minimum periodic fees to a municipal entity or permit holder; or

(2) Notify the commission in writing to carry out and implement the provisions of the recycling element of the comprehensive solid waste management plan.

This election may be made by counties at any time after the effective date of this act. An initial election must be made no later than ninety days following approval of the local comprehensive waste management plan required by section 3 of this act.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

NEW SECTION. Sec. 29. A new section is added to chapter 81.77 RCW to read as follows:

(1) Beginning July 1, 1991, on its own motion, or upon petition by any person, the commission shall determine the competitiveness of a market for the collection of source separated recyclable materials from residences, except for markets served by cities or towns, or under contract with cities, towns, or counties. If the commission finds that the market is effectively competitive it shall award authority to collect such recyclable materials using a competitive bidding process. For purposes of this section "effective competition" means that:

(a) Sufficient competition exists to ensure that no single competitor can exercise undue market power in the bidding process; and

(b) Use of competitive bidding will result in cost-effective recycling.

(2) Authority awarded using competitive bidding shall last no longer than five years.

(3) The competitive bidding process shall be conducted according to commission rules. The selection of the winning bid shall be made by the local government with solid waste planning authority for the market area. The local government may reject all bids. After the local government has selected a winning bidder, that bidder shall be subject to commission jurisdiction for purposes of enforcing compliance with the terms of the bid. If the commission

awards authority using competitive bidding, a local government may not use its option under section 18 of this act until the expiration of the authority.

The commission shall adopt rules to implement this section no later than October 1, 1990.

If the commission approves a program to collect source separated recyclables from residences from the effective date of this act through June 30, 1991, the approval shall not be for more than three years.

This section expires June 30, 1991.

**NEW SECTION, Sec. 30.** A new section is added to chapter 81.77 RCW to read as follows:

**PASS-THROUGH RATES.** The commission, in fixing and altering collection rates charged by every solid waste collection company under this section, shall include in the base for the collection rates:

(1) All charges for the disposal of solid waste at the facility or facilities that the solid waste collection company is required to use under a local comprehensive solid waste management plan or ordinance designating disposal sites; and

(2) All known and measurable costs related to implementation of the approved county or city comprehensive solid waste management plan.

The commission shall develop rules to allow solid waste collection companies to adjust their rates no more than two times per year, to reflect the costs specified in this section. Such rules shall include notice to ratepayers of rate adjustment.

**NEW SECTION, Sec. 31.** A new section is added to chapter 81.77 RCW to read as follows:

**INTERIM RATES.** If the commission suspends a tariff change submitted by a solid waste collection company under RCW 81.04.130, the collection company may request that the tariff be put in effect on an interim basis, subject to refund, pending the commission's final order. Such requests shall be granted and the tariff will become effective, on an interim basis, on its originally filed effective date.

**NEW SECTION, Sec. 32.** A new section is added to chapter 81.77 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

**NEW SECTION, Sec. 33.** A new section is added to chapter 70.95 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

**NEW SECTION, Sec. 34.** A new section is added to chapter 35.21 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

**NEW SECTION, Sec. 35.** A new section is added to chapter 36.58 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

**NEW SECTION, Sec. 36.** A new section is added to chapter 35A.21 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

**NEW SECTION, Sec. 37.** A new section is added to chapter 81.77 RCW to read as follows:

**DISPOSAL FEES IN RATES.** For rate-making purposes, a fee, charge, or tax on the disposal of solid waste shall be considered a normal operating expense of the solid waste collection company.

V.  
VEHICLE BATTERIES

**NEW SECTION, Sec. 38.** A new section is added to chapter 70.95 RCW to read as follows:

**BATTERY DISPOSAL.** (1) No person may knowingly dispose of a vehicle battery except by delivery to: A person or entity selling lead acid batteries, a person or entity authorized by the department to accept the battery, or to a secondary lead smelter.

(2) No owner or operator of a solid waste disposal site shall knowingly accept for disposal used vehicle batteries except when authorized to do so by the department or by the federal government.

(3) Any person who violates this section shall be subject to a fine of up to one thousand dollars. Each battery will constitute a separate violation. Nothing in this section and sections 39 through 43 of this act shall supersede the provisions under chapter 70.105 RCW.

(4) For purposes of this section and sections 39 through 43 of this act, "vehicle battery" means batteries capable for use in any vehicle, having a core consisting of elemental lead, and a capacity of six or more volts.

**NEW SECTION, Sec. 39.** A new section is added to chapter 70.95 RCW to read as follows:

**IDENTIFICATION OF PERSONS ACCEPTING BATTERIES.** The department shall establish a procedure to identify, on an annual basis, those persons accepting used vehicle batteries from retail establishments.

**NEW SECTION, Sec. 40.** A new section is added to chapter 70.95 RCW to read as follows:

**ACCEPTING USED BATTERIES.** A person selling vehicle batteries at retail in the state shall:

(1) Accept, at the time of purchase of a replacement battery, in the place where the new batteries are physically transferred to the purchasers, and in a quantity at least equal to the number of new batteries purchased, used vehicle batteries from the purchasers, if offered by the purchasers. When a purchaser fails to provide an equivalent used battery or batteries, the purchaser may reclaim the core charge paid under section 41 of this act by returning, to the point of purchase within thirty days, a used battery or batteries and a receipt showing proof of purchase from the establishment where the replacement battery or batteries were purchased; and

(2) Post written notice which must be at least eight and one-half inches by eleven inches in size and must contain the universal recycling symbol and the following language:

(a) "It is illegal to put a motor vehicle battery or other vehicle battery in your garbage."

(b) "State law requires us to accept used motor vehicle batteries or other vehicle batteries for recycling, in exchange for new batteries purchased."

(c) "When you buy a battery, state law also requires us to include a core charge of five dollars or more if you do not return your old battery for exchange."

**NEW SECTION, Sec. 41.** A new section is added to chapter 70.95 RCW to read as follows:

**RETAIL CORE CHARGE.** Each retail sale of a vehicle battery shall include, in the price of the battery for sale, a core charge of not less than five dollars. When a purchaser offers the seller a used battery of equivalent size, the seller shall omit the core charge from the price of the battery.

**NEW SECTION, Sec. 42.** A new section is added to chapter 70.95 RCW to read as follows:

**WHOLESALE CORE CHARGE.** (1) A person selling vehicle batteries at wholesale to a retail establishment in this state shall accept, at the time and place of transfer, used vehicle batteries in a quantity at least equal to the number of new batteries purchased, if offered by the purchaser.

(2) When a battery wholesaler, or agent of the wholesaler, fails to accept used vehicle batteries as provided in this section, a retailer may file a complaint with the department and the department shall investigate any such complaint.

(3)(a) The department shall issue an order suspending any of the provisions of sections 40 through 43 of this act whenever it finds that the market price of lead has fallen to the extent that new battery wholesalers' estimated state-wide average cost of transporting used batteries to a smelter or other person or entity in the business of purchasing used batteries is clearly greater than the market price paid for used lead batteries by such smelter or person or entity.

(b) The order of suspension shall only apply to batteries that are sold at retail during the period in which the suspension order is effective.

(c) The department shall limit its suspension order to a definite period not exceeding six months, but shall revoke the order prior to its expiration date should it find that the reasons for its issuance are no longer valid.

**NEW SECTION, Sec. 43.** A new section is added to chapter 70.95 RCW to read as follows:

**NOTICES—WARNINGS—CITATIONS.** The department shall produce, print, and distribute the notices required by section 40 of this act to all places where vehicle batteries are offered for sale at retail and in performing its duties under this section the department may inspect any place, building, or premise governed by section 41 of this act. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the

requirements of sections 38 through 44 of this act. Failure to conform to the notice requirements of section 40 of this act shall subject the violator to a fine imposed by the department not to exceed one thousand dollars. However, no such fine shall be imposed unless the department has issued a warning of infraction for the first offense. Each day that a violator does not comply with the requirements of this act following the issuance of an initial warning of infraction shall constitute a separate offense.

**NEW SECTION, Sec. 44.** A new section is added to chapter 70.95 RCW to read as follows:

**RULES.** The department shall adopt rules providing for the implementation and enforcement of sections 38 through 43 of this act.

**Sec. 45.** Section 82.04.070, chapter 15, Laws of 1961 and RCW 82.04.070 are each amended to read as follows:

**BUSINESS AND OCCUPATION TAX EXEMPTION.** "Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; **PROVIDED, That "gross proceeds of sales" shall not include: (1) The value of core deposits or credits when received or transferred as consideration in a retail or wholesale sale. For purposes of this section, the term "core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for the purpose of recycling or remanufacturing; or (2) the new tire fee imposed under section 92 of this act, upon the sale of a new replacement tire.**

**NEW SECTION, Sec. 46.** A new section is added to chapter 82.08 RCW to read as follows:

**SALES TAX EXEMPTION.** The tax levied by RCW 82.08.020 shall not apply to consideration: (1) Received as core deposits or credits in a retail or wholesale sale; or (2) received or collected upon the sale of a new replacement vehicle tire as a fee imposed under section 92 of this act. For purposes of this section, the term "core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for the purpose of recycling or remanufacturing.

**NEW SECTION, Sec. 47.** A new section is added to chapter 82.12 RCW to read as follows:

**USE TAX EXEMPTION.** The provisions of this chapter shall not apply: (1) To the value of core deposits or credits in a retail or wholesale sale; or (2) to the fees imposed under section 92 of this act upon the sale of a new replacement vehicle tire. For purposes of this section, the term "core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for the purpose of recycling or remanufacturing.

## VI.

### PRODUCT PACKAGING

**Sec. 48.** Section 1, chapter 67, Laws of 1987 and RCW 43.21A.520 are each amended to read as follows:

**PRODUCT AWARDS.** (1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in (~~the following~~) a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning (~~agents~~) products;
- (c) (~~Pesticides~~) Pest control products;
- (d) Automotive, marine, and related maintenance products; (~~and~~)
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

(2) The state solid waste advisory committee shall develop and recommend criteria for awarding environmental excellence awards for products. The committee shall also review award applications and make recommendations to the department.

(3) Products receiving an environmental excellence award pursuant to this section (~~would~~) shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department.

**NEW SECTION, Sec. 49.** A new section is added to chapter 70.95C RCW to read as follows:

**TASK FORCE.** (1) The office shall establish a product packaging task force. The purpose of the task force shall be to investigate and evaluate methods to:

- (a) Reduce the volume or weight, or both, of product packaging entering the waste stream;
- (b) Reduce the toxicity of product packaging entering the waste stream;
- (c) Reduce the reliance on single use, disposable packaging;
- (d) Increase product packaging recycling; and

(e) Increase public awareness of the contribution of packaging to the solid waste problem. In fulfilling the purpose of this subsection, the task force shall consider all applicable federal and state packaging standards and requirements. The task force shall coordinate with regional or national groups, or both, engaged in evaluating packaging issues. Any standards recommended by this task force must consider available packaging materials, packaging weight or volume, or both, and educational package labeling.

The task force shall involve representatives from the department of trade and economic development, the department of ecology, the public, local governments, environmental associations, and industry, including but not limited to, product and packaging manufacturers, retail businesses, solid waste collection companies, and recycling businesses. However, fifty percent of the task force appointees shall be representative of industry.

The task force shall submit an action plan, including short and long-range recommendations, to achieve the purposes of this subsection to the legislature by January 2, 1991. The task force shall be terminated upon submittal of the plan to the legislature.

(2) The task force shall submit guidelines on product packaging to the state solid waste advisory committee for purposes of the environmental excellence product award program by January 2, 1990.

**NEW SECTION, Sec. 50.** A new section is added to chapter 82.02 RCW to read as follows:

**PRODUCTS AND PRODUCT PACKAGING—STATE PREEMPTION.** (1) After April 1, 1989, the state preempts the field of imposing deposits or taxes upon a limited class of products and product packaging for the purpose of affecting the disposal of the product or the product packaging. The state shall have the exclusive authority to impose such deposits or taxes. No local or regional subdivision of the state shall have any authority to impose such a deposit or tax unless specifically granted authority by the state legislature. This section shall not apply to an ordinance or resolution adopted prior to April 1, 1989.

(2) This section shall expire July 1, 1993.

**NEW SECTION, Sec. 51.** A new section is added to chapter 70.95C RCW to read as follows:

**PRODUCTS AND PRODUCT PACKAGING—STATE PREEMPTION.** (1) After April 1, 1989, the state preempts the field of imposing prohibitions on the sale or distribution of products and product packaging for the purpose of affecting the disposal of the product or product packaging. The state shall have exclusive authority to impose such prohibitions or bans. No local or regional subdivision of the state shall have any authority to impose such a prohibition or ban on products or product packaging unless specifically granted such authority by the state legislature. This section shall not apply to an ordinance or resolution adopted prior to April 1, 1989.

This section shall expire July 1, 1993.

Sec. 52, Section 35.21.130, chapter 7, Laws of 1965 and RCW 35.21.130 are each amended to read as follows:

A ((garbage)) solid waste or recyclable materials collection ordinance may:

(1) Require property owners and occupants of premises to use the ((garbage)) solid waste collection and disposal system or recyclable materials collection and disposal system, and to dispose of their ((garbage)) solid waste and recyclable materials as provided in the ordinance; PROVIDED, That a solid waste or recycling ordinance shall not require any retail enterprise engaged in the sale of consumer-packaged products to locate or place a public recycling collection site or buy-back center upon or within a certain distance of the retail establishment as a condition of engaging in the sale of consumer-packaged products; and

(2) Fix charges for ((garbage)) solid waste collection and disposal, recyclable materials collection and disposal, or both, and the manner and time of payment thereof including therein a provision that upon failure to pay the charges, the amount thereof shall become a lien against the property for which the ((garbage)) solid waste or recyclable materials collection service is rendered. The ordinance may also provide penalties for its violation.

Sec. 53, Section 36.58.010, chapter 4, Laws of 1963 and RCW 36.58.010 are each amended to read as follows:

Any board of county commissioners may acquire by purchase or by gift, dedication, or donation, ((garbage)) sites for the use of the public in disposing of ((garbage and refuse)) solid waste or recyclable materials. However, no board of county commissioners shall be authorized to require any retail enterprise engaged in the sale of consumer-packaged products to locate or place a public solid waste collection site or buy-back center upon or within a certain distance of the retail establishment as a condition of engaging in the sale of consumer-packaged products.

## VII.

### STATE GOVERNMENT WASTE REDUCTION AND RECYCLING

**NEW SECTION, Sec. 54.** A new section is added to chapter 70.95C RCW to read as follows:

**WASTE REDUCTION AND RECYCLING PLAN.** The legislature finds and declares that the buildings and facilities owned and leased by state government produce significant amounts of solid and hazardous wastes, and actions must be taken to reduce and recycle these wastes and thus reduce the costs associated with their disposal. In order for the operations of state government to provide the citizens of the state an example of positive waste management, the legislature further finds and declares that state government should undertake an aggressive

program designed to reduce and recycle solid and hazardous wastes produced in the operations of state buildings and facilities to the maximum extent possible.

The office of waste reduction, in cooperation with the department of general administration, shall establish an intensive waste reduction and recycling program to promote the reduction of waste produced by state agencies and to promote the source separation and recovery of recyclable and reusable materials.

All state agencies, including but not limited to, colleges, community colleges, universities, offices of elected and appointed officers, the supreme court, court of appeals, and administrative departments of state government shall fully cooperate with the office of waste reduction and recycling in all phases of implementing the provisions of this section. The office shall establish a coordinated state plan identifying each agency's participation in waste reduction and recycling. The office shall develop the plan in cooperation with a multi-agency committee on waste reduction and recycling. Appointments to the committee shall be made by the director of the department of general administration. The director shall notify each agency of the committee, which shall implement the applicable waste reduction and recycling plan elements. All state agencies are to use maximum efforts to achieve a goal of increasing the use of recycled paper by fifty percent by July 1, 1993.

**NEW SECTION, Sec. 55.** A new section is added to chapter 70.95C RCW to read as follows: **WASTE REDUCTION AND RECYCLING AWARDS PROGRAM.** The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. Each award shall be of a sum not less than ten thousand dollars. The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

**NEW SECTION, Sec. 56.** A new section is added to chapter 70.95 RCW to read as follows:

No solid waste incineration or energy recovery facility shall be operated prior to the completion of an environmental impact statement containing the considerations required under RCW 43.21C.030(2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW. This section does not apply to a facility operated prior to January 1, 1989, as a solid waste incineration facility or energy recovery facility burning solid waste.

#### VIII.

#### PREFERENTIAL RECYCLING PRODUCT PURCHASES

Sec. 57. Section 2, chapter 120, Laws of 1987 as amended by section 3, chapter 168, Laws of 1988 and RCW 35.23.352 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the

lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and competitive bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second or third class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 58. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 9, chapter 169, Laws of 1985 and by section 1, chapter 369, Laws of 1985 and RCW 36.32.250 are each reenacted and amended to read as follows:

No contract, lease, or purchase may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed

with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than three thousand five hundred dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than three thousand five hundred dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 59. Section 1, chapter 72, Laws of 1985 and RCW 39.30.040 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. The tax revenues which units of local government may consider include sales taxes that the unit of local government imposes upon the sale of such supplies, materials, or equipment from the supplier to the unit of local government, and business and occupation taxes that the unit of local government imposes upon the supplier that are measured by the gross receipts of the supplier from such sale. Any unit of local government which considers tax revenues it would receive from the imposition of taxes



upon a supplier located within its boundaries, shall also consider tax revenues it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) As used in this section, the term "unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

Sec. 60. Section 1, chapter 120, Laws of 1987 and RCW 35.22.620 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population in excess of one hundred fifty thousand shall not have public employees perform a public works project in excess of fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population of one hundred fifty thousand or less shall not have public employees perform a public works project in excess of thirty-five thousand dollars if more than one craft or trade is involved with the public works project, or a public works project in excess of twenty thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

After September 1, 1987, each first class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the city council shall adopt a resolution certifying the existence of this emergency situation.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first class city may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors, if available, shall be invited to submit bids on any one contract: PROVIDED FURTHER, That whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. Once a bidder on the small works roster has been offered an opportunity to bid, that bidder shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a bid. Invitations shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city shall award the contract to the contractor submitting the lowest responsible bid.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 61. Section 43.19.1911, chapter 8, Laws of 1965 as last amended by section 4, chapter 183, Laws of 1983 and RCW 43.19.1911 are each amended to read as follows:

When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors and to RCW 43.19.704, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: PROVIDED, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

## IX.

### MARKETING OF RECYCLABLE MATERIALS

Sec. 62. Section 1, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 1, chapter 422, Laws of 1987 and RCW 43.160.010 are each amended to read as follows:

FINDINGS REGARDING RECYCLING MARKETS. (1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of

sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials should receive priority consideration from the board.

Sec. 63. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 422, Laws of 1987 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD LOANS AND GRANTS. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution(;;); (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities,

mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; or ((##)) (iv) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

NEW SECTION. Sec. 64. A new section is added to chapter 43.160 RCW to read as follows:

ECOLOGY REVIEW. (1) Before board consideration of an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, the application shall be forwarded by the board to the department of ecology.

(2) The board may not make its final determination on any application before receiving approval, as submitted or amended, or disapproval from the department of ecology.

(3) Upon receiving an application for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials from the board, the department of ecology shall, in a timely manner, determine whether or not the proposed assistance:

(a) Has a significant impact on the residential and commercial waste stream;

(b) Results in a product that has a ready market;

(c) Does not jeopardize any other planned market development projects; and

(d) Results in a product that would otherwise be purchased out-of-state.

(4) Upon completion of its determination of the factors contained in subsection (3) of this section and any other factors it deems pertinent, the department of ecology shall forward its approval, as submitted or amended, or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed market development. If the department of ecology disapproves any proposed project, it shall specify its reasons for disapproval.

(5) The board shall notify the department of ecology of its decision regarding any application made under this section.

NEW SECTION. Sec. 65. A new section is added to chapter 43.31 RCW to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT. (1) The department is the lead state agency to assist in establishing and improving markets for recyclable materials generated in the state. This priority on creating and expanding a recyclables market should be fully integrated into the current targeted sector marketing programs of the department. In carrying out these marketing responsibilities, the department shall work closely with the office of waste reduction in the department of ecology.

(2) The department of trade and economic development, with the assistance of the department of ecology and the committee for recycling markets created by section 100 of this act, shall develop programs to accomplish the following:

(a) Develop new markets inside and outside this state for recycled materials;

(b) Attract new businesses to this state whose purpose is to use recycled materials;

(c) Educate businesses and consumers about the high quality of Washington recycled materials;

(d) Promote business and consumer use of products made from recycled materials;

(e) Provide technical market assistance to businesses and local governments;

(f) Cooperate with and secure the cooperation of any department, agency, commission, or instrumentality in state or local government affected by or concerned with market development; and

(g) Create and maintain a list of recyclers, collectors, and other persons or entities interested in the development of markets for recycling and solicit the opinions of those persons with respect to market development.

## X.

## CERTIFICATION OF LANDFILL AND INCINERATOR OPERATORS

NEW SECTION, Sec. 66. DEFINITIONS. Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Board" means the board of advisors for solid waste incinerator and landfill operator certification established by section 70 of this act.

(2) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Department" means the department of ecology.

(4) "Director" means the director of ecology.

(5) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel.

(6) "Landfill" means a landfill as defined under RCW 70.95.030.

(7) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

(8) "Solid waste" means solid waste as defined under RCW 70.95.030.

NEW SECTION, Sec. 67. CERTIFIED INCINERATION FACILITY OPERATORS. (1) By January 1, 1992, the owner or operator of a solid waste incineration facility shall employ a certified operator. At a minimum, the individual on-site at a solid waste incineration facility who is designated by the owner as the operator in responsible charge of the operation and maintenance of the facility on a routine basis shall be certified by the department.

(2) If a solid waste incinerator is operated on more than one daily shift, the operator in charge of each shift shall be certified.

(3) Operators not required to be certified are encouraged to become certified on a voluntary basis.

(4) The department shall adopt and enforce such rules as may be necessary for the administration of this section.

NEW SECTION, Sec. 68. CERTIFIED LANDFILL OPERATORS. (1) By January 1, 1992, the owner or operator of a landfill shall employ a certified landfill operator.

(2) For each of the following types of landfills defined in existing regulations: Inert, demolition waste, problem waste, and municipal solid waste, the department shall adopt rules classifying all landfills in each class. The factors to be considered in the classification shall include, but not be limited to, the type and amount of waste in place and projected to be disposed of at the site, whether the landfill currently meets state and federal operating criteria, the location of the landfill, and such other factors as may be determined to affect the skill, knowledge, and experience required of an operator to operate the landfill in a manner protective of human health and the environment.

(3) The rules shall identify the landfills in each class in which the owner or operator will be required to employ a certified landfill operator who is on-site at all times the landfill is operating. At a minimum, the rule shall require that owners and operators of landfills are required to employ a certified landfill operator who is on call at all times the landfill is operating.

NEW SECTION, Sec. 69. CERTIFICATION PROCESS. (1) The department shall establish a process to certify incinerator and landfill operators. To the greatest extent possible, the department shall rely on the certification standards and procedures developed by national organizations and the federal government.

(2) Operators shall be certified if they:

(a) Attend the required training sessions;

(b) Successfully complete required examinations; and

(c) Pay the prescribed fee.

(3) By January 1, 1991, the department shall adopt rules to require incinerator and appropriate landfill operators to:

(a) Attend a training session concerning the operation of the relevant type of landfill or incinerator;

(b) Demonstrate sufficient skill and competency for proper operation of the incinerator or landfill by successfully completing an examination prepared by the department; and

(c) Renew the certificate of competency at reasonable intervals established by the department.

(4) The department shall provide for the collection of fees for the issuance and renewal of certificates. These fees shall be sufficient to recover the costs of the certification program.

(5) The department shall establish an appeals process for the denial or revocation of a certificate.

(6) The department shall establish a process to automatically certify operators who have received comparable certification from another state, the federal government, a local government, or a professional association.

(7) Upon the effective date of this act and prior to January 1, 1992, the owner or operator of an incinerator or landfill may apply to the department for interim certification. Operators shall receive interim certification if they:

(a) Have received training provided by a recognized national organization, educational institution, or the federal government that is acceptable to the department; or

(b) Have received individualized training in a manner approved by the department; and

(c) Have successfully completed any required examinations.

(8) No interim certification shall be valid after January 1, 1992, and interim certification shall not automatically qualify operators for certification pursuant to subsections (2) through (4) of this section.

**NEW SECTION, Sec. 70. BOARD OF ADVISORS.** (1) A board of advisors for solid waste incinerator and landfill operator certification shall be established. Collectively, the board shall be a subcommittee of the solid waste advisory committee created under RCW 70.95.040 and shall be comprised of five members appointed by the director. The members shall be knowledgeable about solid waste handling technologies including but not limited to combustion boiler and pollution control technologies and their potential environmental impacts such as air emissions and ash residues. The committee shall include at least two members who are knowledgeable about the operation and management of landfills and are certified by a national organization or the federal government as landfill operators.

(2) This board shall act as an advisory committee to the department and shall review and comment on the rules adopted under this chapter.

**NEW SECTION, Sec. 71. REVOCATION OF CERTIFICATION.** (1) The director may, with the recommendation of the board and after a hearing before the board, revoke a certificate:

(a) If it were found to have been obtained by fraud or deceit;

(b) For gross negligence in the operation of a solid waste incinerator or landfill;

(c) For violating the requirements of this chapter or any lawful rule or order of the department; or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order or revocation.

**NEW SECTION, Sec. 72. CERTIFICATION OF INSPECTORS.** Any person who is employed by a public agency to inspect the operation of a landfill or a solid waste incinerator to determine the compliance of the facility with state or local laws or rules shall be required to be certified in the same manner as an operator under this chapter.

**NEW SECTION, Sec. 73. AUTHORITY OF DIRECTOR.** To carry out the provisions and purposes of this chapter, the director may:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as the director deems appropriate, with other state, federal, or interstate agencies, municipalities, educational institutions, or other organizations or individuals.

(2) Receive financial and technical assistance from the federal government, other public agencies, and private agencies.

(3) Participate in related programs of the federal government, other states, interstate agencies, other public agencies, or private agencies or organizations.

(4) Upon request, furnish reports, information, and materials relating to the certification program authorized by this chapter to federal, state, or interstate agencies, municipalities, educational institutions, and other organizations and individuals.

(5) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of carrying out this chapter.

(6) Adopt rules under chapter 34.05 RCW.

**NEW SECTION, Sec. 74. UNLAWFUL ACTS.** After January 1, 1992, it is unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a solid waste incineration or landfill facility unless the operators are duly certified by the director under this chapter or any lawful rule or order of the department. It is unlawful for any person to perform the duties of an operator without being duly certified under this chapter. The department shall adopt rules that allow the owner or operator of a landfill or solid waste incineration facility to request a variance from this requirement under emergency conditions. The department may impose such conditions as may be necessary to protect human health and the environment during the term of the variance.

**NEW SECTION, Sec. 75. PENALTIES.** Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, with the exception of incinerator operators, violating any provision of this chapter or the rules adopted under this chapter, is guilty of a misdemeanor. Incinerator operators who violate any provision of this chapter shall be guilty of a gross misdemeanor. Each day of operation in violation of this chapter or any

rules adopted under this chapter shall constitute a separate offense. The prosecuting attorney or the attorney general, as appropriate, shall secure injunctions of continuing violations of any provisions of this chapter or the rules adopted under this chapter.

**NEW SECTION.** Sec. 76. DEPOSIT OF RECEIPTS. All receipts realized in the administration of this chapter shall be paid into the general fund.

**NEW SECTION.** Sec. 77. Sections 66 through 76 of this act shall constitute a new chapter in Title 70 RCW.

#### XI. REVENUE

Sec. 78. Section 6, chapter 282, Laws of 1986 and RCW 82.18.010 are each amended to read as follows:

For purposes of this chapter:

(1) ~~((Refuse))~~ Solid waste collection business means every person who receives solid waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(2) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) "Solid waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) "Taxpayer" means that person upon whom the ~~((refuse))~~ solid waste collection tax is imposed.

Sec. 79. Section 7, chapter 282, Laws of 1986 and RCW 82.18.020 are each amended to read as follows:

SOLID WASTE COLLECTION TAX. There is imposed on each person using the solid waste services of a ~~((refuse))~~ solid waste collection business a ~~((refuse))~~ solid waste collection tax equal to three and six-tenths percent of the consideration charged for the services.

**NEW SECTION.** Sec. 80. A new section is added to chapter 82.18 RCW to read as follows:

SOLID WASTE COLLECTION TAX. (1) There is imposed on each person using the services of a solid waste collection business a solid waste collection tax of one percent of the consideration charged for the services. This tax shall be applied only to a service charge for actual solid waste collection services that are provided. For residential collection service only, the tax shall apply to the lesser of the consideration charged for the services or:

(a) For customers with less than two-can service, the first eight dollars of the monthly charge for the services.

(b) For customers with two-can service or more, the first twelve dollars of the monthly charge for the services.

(2) Money collected under this section shall be held in trust until paid to the state. Money received by the state shall be deposited in the solid waste management account created by section 90 of this act.

(3) This section expires July 1, 1993.

**NEW SECTION.** Sec. 81. The expiration of section 80 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under that section or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

**NEW SECTION.** Sec. 82. Section 80 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

**NEW SECTION.** Sec. 83. The departments of ecology and revenue shall report to the legislature by January 1, 1993, as to whether the tax imposed under section 80 of this act should be continued or modified to achieve the purposes of this act.

Sec. 84. Section 8, chapter 282, Laws of 1986 and RCW 82.18.030 are each amended to read as follows:

The person collecting the charges made for using the ~~((refuse))~~ solid waste collection business shall collect the tax imposed in ~~((section 6 of this act))~~ this chapter. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

Sec. 85. Section 9, chapter 282, Laws of 1986 and RCW 82.18.040 are each amended to read as follows:

Taxes collected under this chapter shall be held in trust until paid to the state. Except for taxes received under section 80 of this act, taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of

the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the ~~((refuse))~~ solid waste collection tax and this tax shall have priority over all other claims to the amount remitted.

Sec. 86. Section 10, chapter 282, Laws of 1986 and RCW 82.18.050 are each amended to read as follows:

The ~~((refuse))~~ solid waste collection ~~((tax))~~ taxes imposed in this chapter shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

Sec. 87. Section 11, chapter 282, Laws of 1986 and RCW 82.18.060 are each amended to read as follows:

To prevent pyramiding and multiple taxation of a single transaction, ~~((this tax))~~ the solid waste collection taxes imposed in this chapter shall not apply to any ~~((refuse))~~ solid waste collection business using the services of another ~~((refuse))~~ solid waste collection business for the transfer, storage, processing, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a ~~((refuse))~~ solid waste collection business.

Sec. 88. Section 12, chapter 282, Laws of 1986 and RCW 82.18.070 are each amended to read as follows:

Chapter 82.32 RCW applies to the ~~((tax))~~ taxes imposed under this chapter.

Sec. 89. Section 13, chapter 282, Laws of 1986 and RCW 82.18.080 are each amended to read as follows:

The department of revenue shall have the power to enforce the ~~((tax))~~ taxes imposed in this chapter through appropriate rules.

NEW SECTION. Sec. 90. A new section is added to chapter 70.95 RCW to read as follows:

SOLID WASTE MANAGEMENT ACCOUNT. The solid waste management account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to carry out the purposes of this act. All earnings from the investment of balances in the solid waste management account except as provided in RCW 43.84.090, shall be deposited into the solid waste management account.

## XII.

### REAUTHORIZATION OF JOINT SELECT COMMITTEE

Sec. 91. Section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified) is amended to read as follows:

(1) ~~((The Washington state legislature finds that the state faces a solid waste disposal crisis. The siting of new landfills, the location and design of new solid waste incinerators, the disposal of ash residue, and compliance with the priorities of the solid waste management act and the hazardous waste management act require that an effort be made by the state to ensure that local governments and private industry have adequate technical information, and that programs are developed to accomplish the statutory waste management priorities.~~

~~((2) A comprehensive evaluation of preferred solid waste management programs shall be undertaken by))~~ The joint select committee for preferred solid waste management is created for the purpose of monitoring the implementation of this act and for making further recommendations for legislation to fulfill the purposes of this act. The committee shall consist of four members of the house of representatives appointed by the speaker of the house and four members of the senate appointed by the president of the senate. Equal membership of each major political caucus shall be provided. The committee shall choose the chairperson from among the senate members of the committee. The committee shall involve the department of ecology, the utilities and transportation commission, and representatives of organizations representing cities, counties, the public, the waste management industry, waste haulers, and the private recycling industry. The committee shall report its findings and recommendations to the appropriate standing committees of the legislature ~~((by January 1, 1989)).~~

~~((3))~~ (2) The department of ecology may provide the committee with specific recommendations on waste management programs from studies the department has undertaken as required by RCW 70.95.263.

~~((4))~~ (3) The committee shall attempt to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and develop recommendations on how to achieve higher rates.

~~((5))~~ (4) The committee's recommendations shall include (a) specific programs for waste reduction, recycling, incineration, and landfills, (b) specific goals for solid waste management, and (c) specific responsibilities for state government, local government, and the private sectors



to accomplish the committee's recommendations. The committee shall also recommend specific legislation and rule-making requirements to accomplish the committee's findings.

~~((6))~~ (5) The joint select committee for preferred solid waste management shall cease to exist on July 1, ~~((1989))~~ 1991.

## XIII.

## WASTE TIRES

Sec. 92. Section 5, chapter 345, Laws of 1985 and RCW 70.95.510 are each amended to read as follows:

NEW TIRE ASSESSMENT. There is levied ~~((and there shall be collected by the department of revenue from every person engaging within this state in business making))~~ a one dollar per tire fee on the retail sale~~((s))~~ of new replacement vehicle tires~~((an annual assessment equal to the gross proceeds of the sales of new replacement vehicle tires sold within this state, multiplied by twelve hundredths of one percent))~~ for a period of five years, beginning July 1, 1989. The fee imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller less the ten percent amount retained by the seller as provided in section 93 of this act shall be paid to the department of revenue in accordance with RCW 82.32.045. All ~~((of the))~~ other applicable provisions of chapter 82.32 RCW have full force and application with respect to ~~((taxes))~~ the fee imposed under this section. The department of revenue shall administer this section.

For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

NEW SECTION. Sec. 93. A new section is added to chapter 70.95 RCW to read as follows:

WASTE TIRE CLEANUP. (1) Every person engaged in making retail sales of new replacement vehicle tires in this state shall retain ten percent of the collected one dollar fee. The moneys retained may be used for costs associated with the proper management of the waste vehicle tires by the retailer.

(2) The department of ecology will administer the funds for the purposes specified in RCW 70.95.020(5) including, but not limited to:

- (a) Making grants to local governments for pilot demonstration projects for on-site shredding and recycling of tires from unauthorized dump sites;
- (b) Grants to local government for enforcement programs;
- (c) Implementation of a public information and education program to include posters, signs, and informational materials to be distributed to retail tire sales and tire service outlets;
- (d) Product marketing studies for recycled tires and alternatives to land disposal.

Sec. 94. Section 6, chapter 345, Laws of 1985 and RCW 70.95.520 are each amended to read as follows:

There is created an account within the state treasury to be known as the vehicle tire recycling account. All assessments and other funds collected or received under this chapter shall be deposited in the vehicle tire recycling account and used by the department of ecology for ~~((the))~~ administration and implementation of this chapter ~~((as provided by RCW 70.95.536))~~. After July 1, 1990, the department of revenue shall deduct two percent from funds collected pursuant to section 92 of this act, for the purpose of administering and collecting the fee from new replacement vehicle tire retailers.

Sec. 95. Section 5, chapter 250, Laws of 1988 and RCW 70.95.560 are each amended to read as follows:

PENALTIES. Any person who transports or stores waste tires without a license in violation of RCW 70.95.555 shall be guilty of a gross misdemeanor and upon conviction shall be punished under RCW ~~((9A.20.020(2)))~~ 9A.20.021(2).

## XIV.

## STUDIES AND GRANTS

NEW SECTION. Sec. 96. A new section is added to chapter 70.95 RCW to read as follows:

SOLID WASTE ENFORCEMENT STUDY. The institute for urban and local studies at Eastern Washington State University shall conduct a study of enforcement of solid waste management laws and regulations as a component of the 1990 state solid waste management plan. This study shall include, but shall not be limited to:

- (1) A review of current state and local solid waste rules, requirements, policies, and resources devoted to state and local solid waste enforcement, and of the effectiveness of these programs in promoting environmental health and public safety;
- (2) An examination of federal regulations and the latest proposed amendments to the Resource Conservation and Recovery Act, in subtitle D of the code of federal regulations;
- (3) A review of regulatory approaches used by other states;
- (4) A review and evaluation of educational and technical assistance programs related to enforcement;
- (5) An inventory of regulatory compliance for all processing and disposal facilities handling mixed solid waste;
- (6) A review of the role and effectiveness of other enforcement jurisdictions;

(7) An evaluation of the need for redefining institutional roles and responsibilities for enforcement of solid waste management laws and regulations in order to establish public confidence in solid waste management systems and ensure public protection; and

(8) An evaluation of possible benefits in separating the solid waste planning and technical assistance responsibilities from the enforcement responsibilities within the department.

**NEW SECTION, Sec. 97.** A new section is added to chapter 70.95 RCW to read as follows:

**COMPOSTING GRANTS AND STUDY.** (1) In order to establish the feasibility of composting food and yard wastes, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of trade and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets.

(3) The department shall periodically report to the appropriate standing committees of the legislature on the need for, and feasibility of, composting systems for food and yard wastes.

**NEW SECTION, Sec. 98. ENERGY RECOVERY STUDY.** In order to develop and enhance markets for scrap waste paper and to establish the safety and feasibility of burning certain plastics for energy recovery, the state energy office, in cooperation with the department of trade and economic development, shall conduct a study including, but not limited to, the following:

(1) A characterization of the facilities combusting scrap paper and plastics, including the design of handling equipment, combustors, and pollution control equipment;

(2) A determination of the quantity of scrap paper available for the fuel market, and the locations of potential suppliers;

(3) A determination of the capital and operating and maintenance costs of safely combusting scrap paper and plastic fuels;

(4) A determination of the market value of the fuel to potential users. The office shall report its finding to the legislature by December 31, 1989.

**NEW SECTION, Sec. 99. STUDY OF RECYCLED PAPER AS FEED STOCK.** The office of waste reduction shall conduct a study of the current use of, and potential capacity for, use of recycled paper as feed stock to the state's pulp and paper industry. The office shall report its findings to the legislature by December 31, 1989.

**NEW SECTION, Sec. 100. COMMITTEE FOR RECYCLING MARKETS.** (1) There is created, within the department of trade and economic development, the Washington committee for recycling markets. The committee shall be appointed by the director and shall involve representatives of: Recycling businesses; solid waste collection businesses; local government officials; local chambers of commerce; citizen recycling groups; manufacturers; institutions of higher education; the department of ecology; and other agencies, businesses, and individuals and organizations as may have an interest in development of recycling markets. The committee shall also include such legislative members as are appointed by the speaker of the house of representatives and the president of the senate.

(2) The committee shall convene on or before September 1, 1989, and shall meet no less than monthly.

(3) The committee shall be supported by staff from the department of trade and economic development with assistance of the department of ecology.

**NEW SECTION, Sec. 101. RECOMMENDATIONS.** The committee shall make recommendations for development of new markets for recycled materials, with particular attention to markets for yard waste, plastics, mixed waste papers and waste tires, and for increasing the effectiveness of the market development responsibilities of the department of trade and economic development under section 65 of this act.

**NEW SECTION, Sec. 102. CONTRACTS AND REPORTS.** The committee may enter into contracts to assist in its responsibilities, provided that the state funds for such contracts are matched by at least an equal amount from private sources. The committee shall provide a report to the legislature on or before January 2, 1990, and a final report on or before November 30, 1990, and its duties shall be terminated upon delivery of the final report.

**NEW SECTION, Sec. 103.** Sections 100 through 102 of this act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION, Sec. 104. PROBLEM WASTE STUDY.** (1) The department shall share information on household hazardous waste pilot projects and strategies for management of moderate risk wastes with local governments as elements of a problem waste study. In doing so, the department shall prepare a report detailing progress in managing moderate risk wastes throughout the state.

The department of ecology shall conduct a study of the following problem wastes:

(a) Moderate risk wastes generated by businesses and households;

(b) Waste lubricating oil;

(c) Petroleum contaminated soils;

(d) Gypsum wastes from construction and demolition.

The study shall include an analysis and evaluation of the best available technologies for environmentally sound collection, storage, processing and/or disposal. Technologies shall be

evaluated based on economic and environmental impacts. The priority shall be on the development of recommendations for achieving reduction and recycling of these wastes.

(2) In conducting the study, the department shall involve, consult, and create special advisory committees that will include membership from relevant industries, environmental groups, and local governments. The department shall submit a report, including recommendations, to the house of representatives environmental affairs committee and the senate environment and natural resources committee by December 15, 1990, and shall make the results of the study available to local governments. In its study, the department shall consider, at a minimum, the following:

(a) Education programs about using alternative products that minimize adverse effects to the environment;

(b) Program development and enhancement to divert problem wastes from the waste stream, including current recycling programs and household hazardous waste collection programs;

(c) Waste treatment and stabilization; and

(d) Environmental impacts.

(3) In addition, the department shall conduct a literature search to investigate existing toxic materials in landfills, in sewage sludge disposal, in incinerator air emissions, and in incinerator fly and bottom ash, including, but not limited to, lead, mercury, cadmium, chromium, dioxins, furans, oxides of sulphur, carbon, nitrogen, and other toxic organic materials. Furthermore, the study shall review the adequacy of the state's air quality and ash quality standards for solid waste incinerators, by including a comparison of Washington state standards with the latest standards adopted by other countries such as Sweden and West Germany.

(4) The purpose of the investigation and the standards review is to evaluate the potential for damage to the environment and public health from these toxic materials, to identify the sources of the toxic materials, and to evaluate the potential solid waste management practices for eliminating or reducing the amount of toxic materials entering disposal facilities, or reducing the toxicity of such materials.

**NEW SECTION.** Sec. 105. REGIONAL FACILITY PLANNING. (1) The department of ecology shall award a maximum of three grants prior to June 30, 1991, to local governments for the purpose of planning for a regional facility or facilities with the capacity to manage solid waste in the region on an integrated waste management basis. The award may be made to any general jurisdictional unit of local government or more than one such unit acting cooperatively in planning for such a facility.

(2) In making the awards the department shall apply the following criteria:

(a) The applicant proposes a plan for a system or facility that will accept a majority of the volume of the solid waste from beyond the boundaries of the local governments applying for the grant;

(b) The proposed plan will address the need for shared responsibility for the operation and closure of the facility among the local governments using the facility, and an equitable distribution of the liability that may be incurred based upon the origin of the solid waste handled at the facility;

(c) The plan will identify the public participation process to be used in planning and developing the system or facility;

(d) The plan will identify regulatory, planning, and financial issues that should be addressed by the state government and make recommendations for legislative or administrative actions; and

(e) The plan is consistent with any applicable state and local solid waste management plans and the purposes of this act.

(3) Where the applications received otherwise meet the criteria of this section the department shall endeavor to make awards for plans that will address regional solid waste management needs in each of the major geographic regions of the state.

(4) Grant recipients shall provide periodic progress reports to the department.

**NEW SECTION.** Sec. 106. A facility that achieves an integrated waste management strategy relying upon several of the management priorities specified in RCW 70.95.010, and that receives a substantial volume of waste from an entire region of the state, shall be provided flexibility in the pursuit of such integrated waste management by the local government or governments preparing a comprehensive solid waste management plan for the area in which the facility is located.

#### XV.

#### SEVERABILITY AND EMERGENCY CLAUSES

**NEW SECTION.** Sec. 107. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 108. Captions and headings used in this act do not constitute any part of the law.

NEW SECTION, Sec. 109. Sections 50 and 51 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

## MOTION

Senator Metcalf moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 5, beginning on line 5 of the amendment, strike "by the use of an enclosed device using controlled flame combustion"

On page 5, beginning on line 24 of the amendment, after "reuse" strike "pursuant to the waste reduction and recycling element of a local comprehensive solid waste management plan," and insert ", such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to section 5(2) of this act, local governments may identify recyclable materials by ordinance from the effective date of this act."

On page 10, line 9 of the amendment, after "waste" strike "comprehensive"

On page 10, line 17 of the amendment, after "years," insert "Nothing in this act shall prohibit local governments from submitting a plan prior to the dates listed in this subsection."

On page 11, line 7 of the amendment, after "chapter" strike "and, if adopted, the" and insert "Guidelines for the preparation of the waste reduction and recycling element of the comprehensive solid waste management plan shall be completed by the department by March 15, 1990. These guidelines shall provide recommendations to local government on materials to be considered for designation as recyclable materials. The"

On page 11, line 9 of the amendment, after "70.95.260" insert "shall be consistent with these guidelines"

On page 11, beginning on line 18 of the amendment, strike "locally unique" and insert "unique local"

On page 12, line 1 of the amendment, after "apply" insert "directly to the department"

On page 12, at the beginning of line 19 of the amendment, strike "jurisdictions" and insert "governments"

On page 14, after line 26 of the amendment, insert the following:

"Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties."

On page 16, beginning on line 22 of the amendment, strike "from each area for which a local comprehensive plan has been adopted" and insert "and where it is delivered"

On page 17, line 15 of the amendment, before "The" insert "(1)"

On page 17, line 20 of the amendment, after "70.95.090," insert "The fee may be in addition to any other solid waste services fees and charges a county may legally impose."

On page 17, after line 20 of the amendment, insert the following:

"(2) Each county imposing the fee authorized by this section shall notify the Washington utilities and transportation commission and the affected solid waste collection companies of the amount of the fee ninety days prior to its implementation."

On page 20, line 20 of the amendment, after "bidding" insert "and provide for reasonable and necessary expenses to be paid to the administering company"

On page 22, beginning on line 10 of the amendment, after "wastes" strike ", including but not limited to garbage" and insert "as follows: Garbage"

On page 22, line 11 of the amendment, after "refuse," insert "recyclable materials,"

On page 25, line 1 of the amendment, beginning with "through" strike all material through "station" on line 6 and insert "class or smaller counties, and in any first class county located east of the crest of the Cascade mountain range, where detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station"

On page 26, line 16 of the amendment, after "provisions of the" insert "waste reduction and"

On page 27, beginning on line 36 of the amendment, strike all material through "date." on page 28, line 12 and insert the following:

"If a solid waste collection company files a tariff to recover the costs specified under this section, and the commission suspends the tariff, the portion of the tariff covering costs specified in this section shall be placed in effect by the commission at the request of the company on an interim basis as of the originally filed effective date, subject to refund, pending the commission's final order. The commission may adopt rules to implement this section."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 34, line 26 of the amendment, after "shall" insert "establish an environmental excellence product award subcommittee to"

On page 34, line 28 of the amendment, after "The" strike "committee" and insert "subcommittee"

On page 34, line 29 of the amendment, after "department," insert "The subcommittee shall consist of equal representation of: (a) Product manufacturing or other business representatives; (b) environmental representatives; (c) labor or consumer representatives; and (d) independent technical experts. Members of the subcommittee need not necessarily be regular members of the state solid waste advisory committee."

On page 35, line 33 of the amendment, after "to the" strike "state solid waste advisory committee" and insert "environmental excellence product award subcommittee"

On page 37, line 13 of the amendment, strike "board of county commissioners" and insert "((board of county commissioners)) county legislative authority"

On page 37, line 16 of the amendment, strike "board of county commissioners" and insert "county legislative authority"

On page 52, line 19 of the amendment, after "materials" strike "should receive priority" and insert "are eligible for"

On page 54, beginning on line 14 of the amendment, strike all of subsection (2) and insert the following:

"(2) The department of ecology shall submit a recommendation on all applications related to processing recyclable materials to the board for their consideration."

On page 54, line 20 of the amendment, strike "in a timely manner" and insert "within thirty days"

On page 54, line 31 of the amendment, after "its" insert "recommended"

On page 54, line 32 of the amendment, after "amended, or" insert "recommended"

On page 54, line 35 of the amendment, strike "disapproves" and insert "recommends disapproval of"

On page 54, line 36 of the amendment, after "for" insert "recommending"

On page 56, line 14 of the amendment, after "fuel" insert ", but excludes facilities that have the primary purpose of burning hog fuel"

On page 58, line 32 of the amendment, strike "Collectively, the" and insert "The"

On page 59, line 2 of the amendment, after "residues," strike "The" and insert "Collectively, the"

On page 61, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 78. A new section is added to chapter 70.95 RCW to read as follows:

Incineration of medical waste shall be conducted under sufficient burning conditions to reduce all combustible material to a form such that no portion of the combustible material is visible in its uncombusted state."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 65, beginning on line 21 of the amendment, strike "The committee shall choose the chairperson from among the senate members of the committee." and insert "The president of the senate and the speaker of the house of representatives shall each designate a cochair of the committee."

On page 66, line 20 of the amendment, strike "July" and insert "October"

On page 67, line 23 of the amendment, strike "July 1, 1990" and insert "October 1, 1989"

On page 72, line 29 of the amendment, strike "and"

On page 72, line 31 of the amendment, after "act" insert "; and"

(f) The applicant proposes a plan that will incorporate existing energy recovery, incineration, and/or disposal facilities"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, you indicated that some amendments were agreed to, some were not agreed to and some were pure bad—including the bill. Could you tell us who agreed to what amendments and how that happened?"

Senator Metcalf: "Yes, I would like to discuss that. That was my next speech and I appreciate your asking this question. In answer to your question, this bill came over from the House and there was a great level—a high level of irritation among all of the groups that are affected—the people whose ox might be gored, so to speak.

"So, what we did, when it came to the Senate, we started a process of saying to those people, 'Look, you people sit down and you look at this bill and you see what things you believe are necessary to make this bill really work—you know what we're trying to do and try to make it work.' I have never in all my time in the Legislature seen and been a part of groups working as hard as these groups have worked and I mean a total of probably twenty-five to thirty or maybe more people working on this, working as a whole group in several different meetings and in smaller groups from time to time.

"They have come back and have now said, 'OK.' After all of the language has been worked out and I mean fine tuned, and I mean down to commas and words, I've never seen a bill, at least around here in my experience, worked as hard as this since the Shorelines Management Act in the early seventies. These groups have worked out language that they believe will solve the problems that we face in this enormous area of solid waste and how to handle our solid waste.

"Basically, the emphasis is on recycling. Now, we have those agreements and those agreed amendments and I would suggest to the Senate that we take them all as a body, because many of them are worked depending on others. It's a carefully woven agreement. If you have further questions, we could take as much time as you want on them. Then the amendments that they did not deal with--and this is an important point--there are many of the amendments that they did not deal with. They just said, 'Well, those things are outside of our area; those are policy decisions or those are other decisions.' So, all of the other amendments that are being offered are policy things that can be offered later, but these are the basic core of what is necessary, I believe, to make this bill work properly out in the community."

Further debate ensued.

The President ruled that the amendments by Senator Metcalf on page 5, lines 5 and 24, to the Committee on Ways and Means amendment should be considered separately.

#### POINT OF ORDER

Senator Kreidler: "Mr. President, a point of order. I would raise the point of scope and object on the Ways and Means striking amendment. The bill before us--the language that was adopted in the Ways and Means striking amendment, there's a particular section of that that was adopted in the Ways and Means Committee that broadens the bill beyond the scope and object by entering into amendatory language which would, in effect, amend the State Environmental Protection Act. I believe that that language goes beyond the scope and object, and I would ask for a ruling upon that."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1671 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2000, by Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Chandler and Baugher)

Establishing fair practice standards for produce handlers and associations.

The bill was read the second time.

#### MOTION

Senator Barr moved that the following Committee on Agriculture amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. Agricultural products are produced by many individual farmers and ranchers located throughout the state. The efficient production and marketing of agricultural products by farmers, ranchers, and handlers is of vital concern to the welfare and general economy of the state. It is the purpose of this chapter to establish standards of fair practices required of handlers, producers, and associations of producers, with respect to certain agricultural commodities, to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

It is the intent of the legislature that a workable process be developed through which a fair price and other contract terms can be arrived at through negotiations between processors of agricultural products and an accredited association of producers, and that in developing rules and administering this chapter the director of agriculture shall recognize this intent.

**\*NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiation agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the federal agriculture marketing act of 1929 or in section 1 of 42 Stat. 388.

(5) "Director" means the director of the department of agriculture.

(6) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(7) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding within thirty days of the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(8) "Negotiating unit" means a negotiating unit approved by the director under section 3 of this act.

(9) "Person" means an individual, partnership, corporation, association, or any other entity.

(10) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(11) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(12) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

NEW SECTION. Sec. 3. (1) An association of producers may file an application with the director:

(a) Requesting accreditation to serve as the exclusive negotiating agent on behalf of its producer members who are within a proposed negotiating unit with respect to any qualified commodity;

(b) Describing geographical boundaries of the proposed negotiating unit;

(c) Specifying the number of producers and the quantity of products included within the proposed negotiating unit;

(d) Specifying the number and location of the producers and the quantity of products represented by the association; and

(e) Supplying any other information required by the director.

(2) Within a reasonable time after receiving an application under subsection (1) of this section, the director shall approve or disapprove the application in accordance with this section.

(a) The director shall approve the initial application or renewal if the director determines that:

(i) The association is owned and controlled by producers under the charter documents or bylaws of the association;

(ii) The association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of its members' products or to negotiate for compensation for products produced under contract by its members;

(iii) The association represents a sufficient percentage of producers or that its members produce a sufficient percentage of agricultural products to enable it to function as an effective

agent for producers in negotiating with a given handler as defined in rules promulgated by the department. In making this finding, the director shall exclude any quantity of the agricultural products contracted by producers with producer-owned and controlled processing cooperatives with its members and any quantity of these products produced by handlers.

(iv) One of the association's functions is to act as principal or agent for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; and

(v) Accreditation would not be contrary to the policies established in section 1 of this act.

(b) If the director does not approve the application under (a) of this subsection, then the association of producers may file an amended application with the director. The director, within a reasonable time, shall approve the amended application if it meets the requirements set out in (a) of this subsection.

(3) At the discretion of the director, or upon submission of a timely filed petition by an affected handler or an affected association of producers, the association of producers accredited under this section may be required by the director to renew the application for accreditation by providing the information required under subsection (1) of this section.

**NEW SECTION.** Sec. 4. It shall be unlawful for any handler to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with an association of producers accredited under section 3 of this act with respect to any qualified commodity: PROVIDED, That the obligation to negotiate does not require either party to agree to a proposal, to make a concession, or to enter into a contract;

(2) To coerce any producer in the exercise of his or her right to contract with, join, refrain from contracting with or joining, belong to an association of producers, or refuse to deal with any producer because of the exercise of that producer's right to contract with, join, or belong to an association or because of that producer's promotion of legislation on behalf of an association of producers;

(3) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of that producer's membership in or contract with an association of producers or because of that producer's promotion of legislation on behalf of an association of producers;

(4) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

(5) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association of producers;

(6) To make knowingly false reports about the finances, management, or activities of associations of producers or handlers; or

(7) To conspire, agree, or arrange with any other person to do, aid, or abet any act made unlawful by this chapter.

**NEW SECTION.** Sec. 5. It shall be unlawful for any accredited association of producers or members of such association to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with a handler for any qualified commodity for which the association is accredited under section 3 of this act;

(2) To coerce or intimidate a handler to breach, cancel, or terminate a marketing contract with an individual producer, association of producers, or a member of an association;

(3) To knowingly make or circulate false reports about the finances, management, or activities of an association of producers or a handler;

(4) To coerce or intimidate a producer to enter into, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers;

(5) To conspire, agree, or arrange with any other person to do, aid, or abet any practice which is in violation of this chapter; or

(6) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing to contract or negotiate with a processor.

**NEW SECTION.** Sec. 6. (1) If any person is charged with violating any provision of this chapter, the director shall investigate the charges. If, upon investigation, the director has reasonable cause to believe that the person charged has violated the provision, the director shall issue and cause to be served upon the person, a complaint stating the charges. A hearing on the charges shall be conducted in accordance with the provisions of chapter 34.05 RCW concerning contested cases.

(2) No complaint may be issued based upon any act occurring more than six months before the filing of the charge with the director. At the discretion of the director, any other person may be allowed to intervene in the proceeding and to present testimony and other evidence.

(3) If upon the preponderance of the evidence taken, the director is of the opinion that any person named in the complaint has engaged in or is engaging in any prohibited practice, the



director shall make and enter findings of fact and shall issue and cause to be served on that person, an order requiring that person to cease and desist from the practice and to take affirmative action to further the policies of this chapter. The order may also require the person to make reports from time to time showing the extent of compliance with the order. If, upon the preponderance of the testimony and other evidence, the director determines that the person named in the complaint has not engaged in or is not engaging in any prohibited practice, the director shall make and enter findings of fact and an order dismissing the complaint.

**NEW SECTION, Sec. 7.** (1) If required to carry out the objectives of this chapter, including the conduct of any investigations or hearing:

(a) The director shall require any person to:

(i) Establish and maintain records;

(ii) Make reports; and

(iii) Provide other information as may be reasonably required; and

(b) The director or the director's designee, upon presentation of credentials and an order of a court as may be required by law:

(1) Shall have a right of entry to, upon, or through any premises in which records required to be maintained under (a) of this subsection are located; and

(ii) May at reasonable times have access to copy any records which any person is required to maintain or which relate to any matter under investigation or in question.

(2) Any records, reports, or information obtained under this section shall be available to the public except that upon a showing satisfactory to the director that the records, reports, or information would divulge confidential business information if made public, the director shall consider that record, report, or information or particular portion thereof confidential, except that the record, report, or information may be disclosed to other officers, employees, or authorized representatives of the state concerned with carrying out this chapter or when relevant in any proceeding under this chapter.

**NEW SECTION, Sec. 8.** A person injured in his or her business or property by reason of any violation of or conspiracy to violate section 4 or 5 of this act may sue in a court of competent jurisdiction of the county in which such violation occurred without respect to the amount in controversy, and shall recover damages sustained, including reasonable attorneys' fees and costs of bringing the suit. Any action to enforce any cause of action under this section shall be forever barred unless commenced not later than two years after the cause of action accrues.

**NEW SECTION, Sec. 9.** A person who violates section 4 or 5 of this act may be assessed a civil penalty by the director of not more than five thousand dollars for each offense. No civil penalty may be assessed unless the person charged has been given notice and opportunity for a hearing pursuant to chapter 34.05 RCW. In determining the amount of the penalty, the director shall consider the size of the business of the person charged, the penalty's affect on the person's ability to continue in business, and the gravity of the violation. If the director is unable to collect the civil penalty, the director shall refer the collection to the attorney general.

**NEW SECTION, Sec. 10.** The director or any aggrieved producer, accredited association, or handler may bring an action to enjoin the violation of any provision of this chapter or any regulation made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

**NEW SECTION, Sec. 11.** The director may promulgate such rules in accordance with chapter 34.05 RCW, and orders, as may be necessary to carry out this chapter.

**NEW SECTION, Sec. 12.** The director shall establish an advisory committee consisting of the following persons: Six producers who are producers from names submitted by an association of producers, and six handlers subject to this chapter from names submitted by handlers. The advisory committee shall study and report on all issues related to this chapter.

**NEW SECTION, Sec. 13.** This chapter may be known and cited as the agricultural marketing and fair practices act.

**NEW SECTION, Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION, Sec. 15.** Sections 1 through 13 of this act shall constitute a new chapter in Title 15 RCW.

**NEW SECTION, Sec. 16.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Barr moved that the following amendment by Senators Barr and Madsen to the Committee on Agriculture amendment be adopted:

On page 11, beginning on line 6 of the amendment, strike all of Section 7 through "chapter." on page 12, line 13, and insert the following new section:

**NEW SECTION, Sec. 7.** If required to carry out the objectives of this chapter, including the conduct of any investigations or hearing:

(1) The director shall require any person to:

(a) Establish and maintain records;

(b) Make reports; and

(c) Provide other information as may be reasonably required.

(2) Any person subject to the provisions of this chapter shall provide the information, records, and reports reasonably required by the director, or make such material available to the director for inspection and/or copying at reasonable times and places, except that no person shall be required under this section to provide to the director proprietary business or financial records or information."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Barr and Madsen on page 11, beginning on line 6, to the striking Committee on Agriculture amendment to Engrossed Substitute House Bill No. 2000.

The motion by Senator Barr carried and the amendment to the committee amendment was adopted.

#### MOTION

On motion of Senator Barr, the following amendment to the Committee on Agriculture amendment was adopted:

On page 14, after line 27 of the amendment, insert the following new section:

**"NEW SECTION.** Sec. 17. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to carry out the purposes of this act."

The President declared the question before the Senate to be the adoption of the striking Committee on Agriculture amendment, as amended, to Engrossed Substitute House Bill No. 2000.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "marketing;" strike the remainder of the title and insert "adding a new chapter to Title 15 RCW; prescribing penalties; and declaring an emergency."

On motion of Senator Barr, the rules were suspended, Engrossed Substitute House Bill No. 2000, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2000, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2000, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Amundson, Matson - 2.

Excused: Senators DeJarmatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2000, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:56 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:50 a.m. by President Pritchard.

There being no objection, the President reverted the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 12, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5023,

SENATE BILL NO. 5143,

SECOND SUBSTITUTE SENATE BILL NO. 5174,

SUBSTITUTE SENATE BILL NO. 5197,

SENATE BILL NO. 5368,

SENATE BILL NO. 5452,

SUBSTITUTE SENATE BILL NO. 5469,

SUBSTITUTE SENATE BILL NO. 5486,

SUBSTITUTE SENATE BILL NO. 5501,

SUBSTITUTE SENATE BILL NO. 5553,

SENATE BILL NO. 5583,

SENATE BILL NO. 5595,

SUBSTITUTE SENATE BILL NO. 5681,

SUBSTITUTE SENATE BILL NO. 5868,

SENATE JOINT MEMORIAL NO. 8002, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5023,

SENATE BILL NO. 5143,

SECOND SUBSTITUTE SENATE BILL NO. 5174,

SUBSTITUTE SENATE BILL NO. 5197,

SENATE BILL NO. 5368,

SENATE BILL NO. 5452,

SUBSTITUTE SENATE BILL NO. 5469,

SUBSTITUTE SENATE BILL NO. 5486,

SUBSTITUTE SENATE BILL NO. 5501,

SUBSTITUTE SENATE BILL NO. 5553,

SENATE BILL NO. 5583,

SENATE BILL NO. 5595,

SUBSTITUTE SENATE BILL NO. 5681,

SUBSTITUTE SENATE BILL NO. 5868,

SENATE JOINT MEMORIAL NO. 8002.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1671 and the pending striking Committee on Ways and Means amendment, as well as the amendments by Senator Metcalf to the committee amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "The President is aware that many constitutional issues have been raised with regard to the Senate Committee on Ways and Means striking amendment. The precedent in the Senate has been to confine rulings to scope and object questions and leave the constitutional issues to the courts. The President believes this is a sound approach to avoid confounding the legislative process and, therefore, will follow past practice.

"In ruling upon the point of order raised by Senator Kreidler, the President finds that Engrossed Substitute House Bill No. 1671 is a comprehensive measure regarding solid waste management focusing on practices such as recycling, composting, incineration and landfilling.

"The striking amendment proposed by the Senate Committee on Ways and Means is also a comprehensive solid waste management measure with similar focus. Section 56 of the amendment, which was referred to during the point of order

debate, requires Environmental Impact Statements for certain solid waste incinerators or energy recovery facilities. The President believes this provision falls within the focus of the comprehensive measure before the Senate.

"The President, therefore, finds that the proposed committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The striking Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendments by Senator Metcalf to the Committee on Ways and Means amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendments by Senator Metcalf on page 5, beginning on line 5, and page 5, beginning on line 24 to the Committee on Ways and Means amendment.

The amendments on page 5, lines 5 and 24, by Senator Metcalf to the Committee on Ways and Means amendment were adopted.

The President declared the question before the Senate to be the adoption of the remaining amendments by Senator Metcalf to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

#### PARLIAMENTARY INQUIRY

Senator Smitherman: "Thank you, Mr. President, I have a parliamentary inquiry. Originally, I objected to all the amendments being taken as one and I guess I have a question in terms of parliamentary procedure here. If we adopt all of these amendments as one, will that preclude the other amendments from being ruled within scope and object?"

#### REPLY BY THE PRESIDENT

President Pritchard: "No, the Chair has looked at it and it will not preclude any of the other amendments being offered and worked on."

Further debate ensued.

The remaining amendments by Senator Metcalf to the Committee on Ways and Means amendment were adopted.

#### MOTION

On motion of Senator Vognild, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 11, beginning on line 35 of the amendment, after "financial aid," strike "Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction." and insert "~~((Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction.))~~"

#### MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland and Bender to the Committee on Ways and Means amendment be adopted:

On page 19, after line 29 of the amendment, insert the following:

**NEW SECTION, Sec. 20.** A new section is added to chapter 81.77 RCW to read as follows:

The commission in awarding an authority based upon competitive bidding or any city or county entering into a competitive contract pursuant to sections 14 or 28 of this act for the collection of source separated recyclable materials from residences, shall first determine the local usual and acceptable wages and benefits for employees engaged in such collection. The determined wages and benefits shall be used as a base wage by all competitors for the contract or authority to collect source separated recyclable materials from residences.

This section expires July 1, 1994."

#### POINT OF INQUIRY

Senator Smitherman: "Senator Bender, I've worked with you over the last couple of years on issues dealing with prevailing wage. I was approached by a group of lobbyists who were saying to me that this is a prevailing wage issue. Do you see this particular amendment as one that deals with prevailing wage?"

Senator Bender: "Senator Smitherman, the answer is, 'no.' This is not a prevailing wage rate. It doesn't deal with the right RCW. The prevailing wage rate laws in this state are established by the largest city in that particular county. The Department of Labor and Industry does the survey. That input comes from both contractors and unions and then through that survey, they determine what that prevailing wage rate is. This language here doesn't go through that process at all."

Further debate ensued.

Senator Bender demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Sutherland and Bender on page 19, after line 29, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 16; nays, 28; absent, 1; excused, 4.

Voting yea: Senators Bender, Conner, McMullen, Moore, Murray, Niemi, Pullen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 16.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Stratton, Thorsness, von Reichbauer, West - 28.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

#### MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Stratton to the Committee on Ways and Means amendment be adopted:

On page 39, beginning on line 12 of the amendment, strike all of section 56

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Stratton on page 39, beginning on line 12, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

#### MOTION

Senator Rasmussen moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 62, beginning in line 25 of the amendment, strike "departments of ecology and revenue" and insert "joint select committee on preferred solid waste management created pursuant to section 91 of this act"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 62, beginning on line 25, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

The motion by Senator Rasmussen carried and the amendment to the committee amendment was adopted.

#### MOTION

On motion of Senator Amondson, the following amendment by Senators Amondson and Kreidler to the Committee on Ways and Means amendment was adopted:

On page 65, line 25 of the amendment, after "industry," insert "the energy recovery and incineration industry"

## MOTION

Senator Madsen moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 72, after line 6 of the amendment, insert the following:

"(5) As of June 1, 1989, a comprehensive environmental impact statement must be produced before disposal of sewer sludge at sites previously not used for sludge disposal. Sludge used for agricultural purposes is exempt from this subsection."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 72, after line 6, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

The motion by Senator Madsen failed and the amendment to the committee amendment was not adopted on a rising vote.

## MOTION

Senator Madsen moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 72, after line 6 of the amendment, insert the following:

"(5) From June 1, 1989, to December 31, 1993, there shall be a moratorium on sewage sludge disposal in Thurston county by the municipality of metropolitan Seattle. Thurston county shall contract for a third party review by a qualified environmental consultant of the environmental impact of sludge disposal in Thurston county. Such review shall be paid for by the municipality of metropolitan Seattle. A citizens' review committee shall be established by Thurston county to provide input on the ecological, economic, and social impact of sludge disposal in Thurston county."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I'm sure you have studied this bill."

Senator Metcalf: "Yes, but not all the amendments in the depth I would like."

Senator Rasmussen: "That's why we should have a little delay in it. Section 11 says, 'Each county or city siting a solid waste disposal facility shall review each potential site for conformance with the standards as set forth by the department for,' and it goes on. Is sludge considered solid waste?"

Senator Metcalf: "You know, I can get to that answer if you'll give me a couple minutes. I'll come back with the answer, because, technically, I don't know. Do you know the answer to that, Mike? I think it is. I'll have to say at this point, I think it is considered solid waste. I'm pretty sure of that, but I cannot absolutely guarantee."

Senator Rasmussen: "Well, in effect, I would think that the determination would end up being solid waste, Senator Metcalf, but it also says, 'they shall examine geology, ground water, soil, flooding, surface water, slope, cover material, capacity, climatic factors, land use, toxic air emissions,' and I presume that involves heavy metals also. This in effect, would require them to have an Environmental Impact Statement if they are going to conform with this law, yes or no?"

Senator Metcalf: "Sludge is sort of in a gray area, frankly, and it is not solidly determined—to answer your first question. Now, if you'll repeat your second question, I'll try to get to that."

Senator Rasmussen: "Well, with all this material in the bill here, they would have to do an Environmental Impact Statement in order to come out with the findings, so I would think that Senator Madsen's amendment would be all right. They've got to do it anyway."

Senator Metcalf: "Well, that's what I said in my original remarks. This is duplicative. This amendment is duplicative and that's why I said I didn't think it was necessary."

Senator Rasmussen: "And sludge is gray, yes, but it is not a gray area. It is solid waste."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 72, after line 6, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

The motion by Senator Madsen failed and the amendment to the committee amendment was not adopted.

#### MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler, Amundson and Sutherland to the Committee on Ways and Means amendment be adopted:

On page 73, after line 9 of the amendment, insert the following:

**NEW SECTION, Sec. 107.** The legislature finds that flexibility in solid waste management systems may help minimize the need for costly disposal options, maximize the limited life of landfills, and produce the most cost-effective solid waste management system. The legislature further finds that there is a need for innovation in solid waste management systems, especially to develop efficient ways of collecting and handling yard waste, recyclables, and other materials intended to be segregated from the solid waste disposal stream.

The legislature finds that local governments are given primary responsibility to plan for and manage solid waste, and that they require a grant of authority sufficient to implement their plans and manage segregated waste streams. The legislature also finds that the majority of Washington's population resides in unincorporated areas under the jurisdiction of county governments, so that county governments are responsible for managing a growing portion of the waste stream. The legislature further finds that current statutes restrict county government authority over solid waste collection. The legislature further finds that changes in existing statutes for solid waste regulatory authority may displace existing firms that are delivering solid waste and recycling services in a cost-effective manner.

Therefore, the legislature finds that there is a need to examine the structure and effectiveness of the present regulatory situation and the public policies which have led to the current structure. The legislature further finds that it is desirable to examine the regulatory structure and practice of other states, including regulatory jurisdiction, planning responsibility, and program funding authority granted to various levels and agencies of government. The legislature also finds that any changes in regulatory authority should be made in a way that minimizes adverse impacts on existing firms, governmental entities, and customers of solid waste collection and recycling services.

**NEW SECTION, Sec. 108.** (1) The utilities and transportation commission shall conduct a study on solid waste regulation, utilizing the expertise of an objective research institution specializing in regulatory or public policy issues, that shall:

(a) Identify and examine current statutory responsibilities of state, county, and city governments, and the role of private sector firms, for solid waste services including the provision of solid waste and recycling collection, transfer, disposal, financing, and enforcement;

(b) Examine public policies and history that led to the current regulatory structure;

(c) Gather and analyze information on the current status of collection, transfer, disposal, and recycling services on a county-by-county basis, including services provided by local governments, haulers holding certificates of public convenience and necessity issued by the utilities and transportation commission, and private sector recycling firms, which information shall include, but not be limited to, number and categories of customers served, services provided, tonnage handled, overall cost of service, and number and type of firms under common ownership. In order to minimize costs, the findings of the best management practices study shall be used to the fullest extent possible;

(d) Examine policies and practices in other states in regard to the allocation of regulatory responsibility and financial capability among different levels of government;

(e) Discuss possible alternatives to the existing statutory system of solid waste regulatory authority, that shall include, at a minimum:

(i) Optional county authority over solid waste collection, similar to the optional city authority granted in RCW 81.77.020;

(ii) Mandatory county authority over solid waste collection, replacing the utilities and transportation commission;

(iii) Changing state authority over solid waste collection and disposal, with such authority to be vested in a new state board or agency;

(f) Recommend policy, statutory, and constitutional changes that would serve to provide greater flexibility, innovation, and local control, and to minimize impacts on existing solid waste management firms, governmental entities, and customers of solid waste collection and recycling services.

(2) The commission shall appoint an advisory committee to review and comment on the study upon completion. Members of the advisory committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. The committee shall include, but not be limited to:

(a) Two representatives of county governments, including one representative from large counties, defined as counties of class AA, A, 1, and 2 counties, and one representative of counties of class 3 and smaller;

(b) Two representatives of city governments, including one from a city that provides municipal collection services and one from a city that provides collection services in some manner other than municipal provision;

(c) One representative of county health officials;

(d) Two representatives of the garbage collection industry;

(e) Two representatives of the recycling industry;

(f) One representative each of business and environmental interests;

(g) One representative each from the department of ecology, the department of community development, the department of revenue, and the municipal corporation division of the state auditor's office.

(3) The commission shall submit to the governor and legislature a report containing findings, conclusions, recommendations, and comments by January 2, 1990.

NEW SECTION. Sec. 109. Sections 107 and 108 of this act shall expire June 30, 1990."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kreidler, Amondson and Sutherland on page 73, after line 9, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1671.

The motion by Senator Kreidler failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1671.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "waste;" strike the remainder of the title and insert "amending RCW 70.95.010, 70.95.030, 70.95.090, 70.95.110, 70.95.100, 70.95.130, 70.95.160, 70.95.165, 70.95.280, 35.21.120, 81.77.010, 81.77.020, 81.77.030, 81.77.040, 81.77.050, 81.77.060, 81.77.080, 81.77.100, 81.77.110, 36.58.030, 36.58.040, 82.04.070, 43.21A.520, 35.21.130, 36.58.010, 35.23.352, 39.30.040, 35.22.620, 43.19.1911, 43.160.010, 43.160.060, 82.18.010, 82.18.020, 82.18.030, 82.18.040, 82.18.050, 82.18.060, 82.18.070, 82.18.080, 70.95.510, 70.95.520, and 70.95.560; amending section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified); reenacting and amending RCW 70.95.260 and 36.32.250; adding new sections to chapter 70.95 RCW; adding a new section to chapter 35.21 RCW; adding new sections to chapter 81.77 RCW; adding new sections to chapter 36.58 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 70.95C RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 82.18 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; providing an expiration date; providing effective dates; and declaring an emergency."

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1671, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I'm looking at a hand-out here that says, 'Unfortunately, one group not involved in the negotiations until the last moment, has philosophical problems.' Related to the question, the one group that has not really been involved is the people out there. Could you tell me what the end result of this bill will be in increased taxes? I understand there's a tax on batteries, a new tax on tires and a new one--I think you know what the amount is--the tax, an additional tax. Now, when I get my garbage bill and I get my light bill and my water bill, there's a utility and transportation tax and there's a B&O tax, and a whole list of them.

"You remember a couple of sessions ago, we put an additional twelve cent tax on the telephones and the public could not understand that. This seems to be a heavier tax. Could you tell me what the public is going to have in regards to new taxes on this bill?"

Senator Metcalf: "Yes, Senator Rasmussen, this bill will result in a one percent tax on garbage collections across the state. It will result in a one dollar per tire tax.



We're already paying for it, but this will require a tax of one dollar per tire on new tires sold--replacement tires, you know. It will result in a five dollar tax on every battery. If you go and turn in your car battery and buy a new battery, there will be a five dollar tax on the battery. Now these costs are already being paid, but they are not being paid in municipal garbage rates and so forth.

"Under this plan, they'll be paid for up front in these areas. The cost of recycling tires, and by the way, with this one dollar per tax on tires, we will be able to establish a recycling program and subsidize it. There will be a subsidy--there's no way to get around it--but we will then be able to get in place, the recycling of our tires and do away with these vast mounds of tires that we now have building up. So, that's the answer to your question, Senator Rasmussen."

#### POINT OF INQUIRY

Senator Bender: "Senator Metcalf, currently, there exists under RCW 70.79 a state agency whose mandate it is to formulate rules and regulations relating to the certification, inspection and operation of combustion boilers, pressure vessels and their related technologies in the interest of public safety. The State Board of Boiler Rules, which is a part of the Department of Labor and Industries, consists of five appointed members including a mechanical engineer. Would you agree that a member of this board would have a valid place on the Board of Advisors for Operator Certification created under Section 70 of this bill?"

Senator Metcalf: "Yes."

#### POINT OF INQUIRY

Senator Owen: "Senator Metcalf, regarding the language in Section 52 on page 36, of the striking amendment, would this language require a contractor doing remodeling and construction work to dispose of the debris from the construction work in a solid waste container that is provided by the city or solid waste collection company serving that area or could the contractor haul the debris in a vehicle to a disposal site?"

Senator Metcalf: "Thank you, Senator Owen. This language does not require the use of solid waste collection container or hauling service provided by the city or the city's contract solid waste hauler in this situation. A contractor doing construction and remodeling work can use a vehicle to haul the debris, provided such solid waste hauling is incidental to the vehicle's normal and regular use."

#### POINT OF INQUIRY

Senator Benitz: "Senator Metcalf, I have a question concerning the definition of 'source separation' in Section 2, page 6, lines 6 through 8. Is the intent here to include or exclude recycling programs like those in South Seattle and Pasco where recyclables are placed in one container for pick-up versus other programs such as the one in North Seattle whereby households place each type of recyclable material in a separate container?"

Senator Metcalf: "Senator Benitz, this definition is intended to include both types of recycling whether in one or several containers."

Senator Benitz: "Senator Metcalf, Section 4, of this bill requires local governments to designate areas as either urban or rural based on several criteria. This designation will ultimately determine what level of services are to be provided in that area. Is it intended that suburban areas generally be designated as urban?"

Senator Metcalf: "Yes, Senator Benitz. Local governments will designate an area based on population, population density, and other criteria. Population and population density are important criteria, because curb side collection may require a minimum population base in order to make it cost effective. As suburban areas resemble urban areas more closely than rural areas, local governments will be expected to designate densely populated suburban areas as urban in most instances."

#### POINT OF INQUIRY

Senator Johnson: "Senator Metcalf, to clarify Section 17, 32 and 36, I assume that the intent of this language is to permit competition in the collection of commercial and industrial recyclables. I also assume that this language is not intended

to permit anyone other than a solid waste collection company holding a garbage certificate to collect garbage and refuse."

Senator Metcalf: "Senator Johnson, you are correct. The language you refer to and the bill are not intended to permit anyone other than a WUTC regulated garbage company or a city authorized solid waste collection system to collect garbage and refuse which may incidentally contain recyclable material."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, in reviewing the bill, I'm looking at new Section 33 and new Section 34. Section 33 says, 'Nothing in this chapter shall prevent a recycling company or a nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials or upon agreement with a solid waste collection company.' Section 34 has about the same wording.

"My concern is for the little individual--he's not a nonprofit corporation and he's not a company--and it says 'recycling company.' That little individual doing private enterprise and out collecting cans and newspapers and then in turn peddling them to the recycling company, is he prohibited from doing that under this new section?"

Senator Metcalf: "I cannot specifically answer that question. I'm not positive, but I could get the answer for you, but I'm not positive at this time."

Senator Rasmussen: "Well, I wish you would, because when it goes to Conference Committee you should take a look at this. I wouldn't want to see those little individuals who are out working hard to make a few dollars prohibited from doing the recycling."

Senator Metcalf: "I agree with you, I don't want to put them out of business."

#### POINT OF INQUIRY

Senator Kreidler: "Senator Metcalf, Section 20, subsection 6, of the bill directs the WUTC to require solid waste collection and recycling companies to use rate structures and billing systems consistent with the solid waste management priorities set forth in RCW 70.95.010. At the same time, franchised haulers regulated by the Commission are directed to comply with local Comprehensive Solid Waste Management Plans. Is it intended that Section 20, subsection 6, would allow the Commission to require rate structures which are inconsistent with a local Comprehensive Solid Waste Management Plan?"

Senator Metcalf: "No, Senator Kreidler, Section 20, subsection 6, is intended to direct the Commission to require rate structures which encourage waste reduction and recycling. This would take place within the framework of the local plan."

Senator Kreidler: "Senator Metcalf, Section 30, subsection 1, of the bill directs the Commission to include in rates charges for disposal of solid waste at facilities the solid waste collection company is required to use under the local Comprehensive Solid Waste Management Plan. Is it intended that Section 20, subsection 6, could be used in a manner inconsistent with that directive?"

Senator Metcalf: "No, Senator Kreidler, Section 20, subsection 6, deals with rate design. Section 30, subsection 1, deals with the revenues required by a company to cover its operating costs. The costs specified in Section 30, subsection 1, are intended to be passed through to ratepayers."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1671, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1671, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; excused, 4.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognlind, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Johnson, Madsen, Matson, McCaslin, Nelson, Newhouse, Rasmussen, Smith, Stratton, Sutherland, Thorsness, West - 12.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senator Saling was excused.

#### SECOND READING

HOUSE BILL NO. 1631, by Representatives Ferguson, Haugen, Van Luven, Braddock, Hine, Nelson, May and Day

Financing convention centers through local improvement districts.

The bill was read the second time.

#### MOTIONS

On motion of Senator Cantu, the following amendment by Senators Cantu and McCaslin was adopted:

On page 3, line 1, after "structures" insert "in cities imposing a special excise tax pursuant to RCW 67.40.100(2). Assessments for purposes of convention center facilities or structures may be levied only to the extent necessary to cover a funding shortfall that occurs when funds received from special excise taxes imposed pursuant to RCW 67.28.180 and RCW 67.40.100(2) are insufficient to fund the annual debt service for such facilities or structures, and may not be levied on property exclusively maintained as single-family or multi-family permanent residences whether they are rented, leased, or owner occupied"

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1631, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1631, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1631, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Bender, Craswell, Moore, Niemi, Talmadge, von Reichbauer - 6.

Absent: Senator West - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, Saling - 5.

HOUSE BILL NO. 1631, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1778, by Representatives Holland, Wang, Horn, Morris, Silver, Hine, Brumsickle, Prince, Van Luven, H. Sommers, Fuhrman, Jacobsen, Locke, Bowman, Ferguson, Rector, Youngsman, May, Schoon and Hargrove

Modifying tax status of trade shows and other convention-oriented events.

The bill was read the second time.

#### MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be not adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 3, chapter 37, Laws of 1980 and RCW 82.04.4282 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived from (1) bona fide initiation fees, (2) dues, (3) contributions, (4) donations, (5) tuition fees, (6) charges made by a nonprofit trade or professional organization for attending or occupying space at a

trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public, (7) charges made for operation of privately operated kindergartens, and (8) endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction hereunder.

NEW SECTION, Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator McDonald that the Committee on Ways and Means amendment to Engrossed House Bill No. 1778 not be adopted.

The motion by Senator McDonald carried and the committee amendment was not adopted.

#### MOTIONS

On motion of Senator McDonald, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 37, Laws of 1980 and RCW 82.04.4282 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived from (1) bona fide initiation fees, (2) dues, (3) contributions, (4) donations, (5) tuition fees, (6) charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public, (7) charges made for operation of privately operated kindergartens, and (8) endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction hereunder.

NEW SECTION, Sec. 2. This act shall take effect July 1, 1991."

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 3 of the title, after "income;" strike the remainder of the title and insert "amending RCW 82.04.4282; and providing an effective date."

#### MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1778, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1778, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1778, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 43.

Voting nay: Senators Vogt, Wojahn - 2.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED HOUSE BILL NO. 1778, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2136, by Committee on Housing (originally sponsored by Representatives Cole, Rust, Beck, Nutley, Patrick, Todd, Wood, Crane, Walk, G. Fisher, Nelson, Cantwell, Brekke, Sprengle, Anderson, Holland, Leonard and Winsley)

Providing mobile home relocation assistance.

The bill was read the second time.

### MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. Mobile home park landlords shall provide reasonable relocation assistance or two-year notice under this chapter and RCW 59.20.080 to mobile home park tenants upon the closure or conversion to another use of a mobile home park. However, no such relocation assistance is required under this chapter if relocation assistance for the same mobile home park tenant for the same relocation has been, is, or will be required under any other law.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of community development.

(2) "Department" means the department of community development.

(3) "Fund" means the mobile home park relocation fund established under section 6 of this act consisting of tenant and landlord contributions.

(4) "Low-income" means at or below eighty percent of median income for the county where the park is located.

(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under section 3 of this act.

**NEW SECTION.** Sec. 3. (1) If a mobile home park is closed or converted to another use, all affected park tenants are entitled to relocation assistance from the park owner or the fund as follows: (a) For single-wide mobile homes, four thousand five hundred dollars; and (b) for double-wide mobile homes, seven thousand five hundred dollars. When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park owner.

(2) When a tenant is forced to relocate after the effective date of this act, pursuant to notice given prior to the effective date of this act, only low-income tenants shall be eligible for relocation assistance and the full amount shall be paid by the fund.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance as provided in this section shall be shared as follows: (a) The landlord or park-owner shall provide two-thirds, and (b) the fund shall provide one-third unless twenty-four months' notice has been given, in which case the full amount shall be paid by the fund.

(4) The director or his or her designee shall approve all expenditures from the fund. If at any given time after July 1, 1991, the fund is unable to meet its obligation under this section, the affected tenancies may not be terminated until sufficient revenue accrues to pay the required relocation assistance, or until the landlord pays both his or her share and the amount owed by the fund.

**NEW SECTION.** Sec. 4. Notice required by RCW 59.20.080 before park closure or conversion of the park or termination of any tenancy without cause, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. This section shall apply to all park closures even though notice may have been given prior to the effective date of this act.

**NEW SECTION.** Sec. 5. A tenant is not entitled to relocation assistance under section 3 of this act if (1) the tenant has given notice to the landlord of his or her intent to vacate the park and

terminate the tenancy before any notice of termination required by the landlord under this chapter has been given, or (2) a person purchases a mobile home already situated in the park or moves a mobile home into the park after a closure or change of use notice has been given and the person has received actual prior notice of the change or closure.

**NEW SECTION.** Sec. 6. (1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from assessments collected under section 7 of this act, and amounts required to be paid by park-owners shall be deposited into the fund. Expenditures from the fund may be used only for administration of the fund and relocation assistance under section 3 of this act. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the amount needed for relocation during the previous year, the surplus shall be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. A tenant who is entitled to relocation assistance under this chapter is entitled to payment from the fund thirty days after the tenant submits to the director a copy of the notice from the park-owner that the tenancy is terminated due to closure of the park, and a copy of the rental agreement currently in force. No payment may be made until the director has contacted the park-owner, or attempted to contact the owner by first class mail, in order to verify the validity of the rental agreement and notice of termination.

(3) The director may adopt rules for the administration of the fund.

(4) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.

**NEW SECTION.** Sec. 7. Beginning with tax year 1990, each owner of a mobile home that is not defined as real property under state law shall pay an annual assessment to the state of ten dollars for each mobile home for the purpose of providing moneys for the fund. The county treasurer shall collect the assessment imposed by this subsection at the same time and in the same manner as personal property taxes, separately listed on the tax roll, and transfer the revenues collected to the state treasurer for credit to the fund. The assessment constitutes a lien on the mobile home.

Sec. 8. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 1, chapter 58, Laws of 1984 and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) (i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the lease;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

(iii) The requirements of this subsection (e) apply equally to renewals of leases in existence on the effective date of this act, and to leases granted after the effective date of this act.

(f) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

((ff)) (g) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

((gg)) (h) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of his space in relation to other tenants' spaces; and

((hh)) (i) A statement of the current zoning of the land on which the mobile home park is located.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

**NEW SECTION, Sec. 9.** If the rental agreement includes a covenant by the landlord as described in RCW 59.20.060(1)(e)(i), the covenant runs with the land and is binding upon the purchasers, successors, and assigns of the landlord.

**NEW SECTION, Sec. 10.** Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under section 3 of this act to the state treasurer for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

**Sec. 11.** Section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 150, Laws of 1988 and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants ~~((twelve))~~ twenty-four months' notice in advance of the ~~((proposed effective))~~ date of such ~~((change))~~ termination. A tenancy may be terminated after twelve months' notice for the reasons set forth in this subsection if the landlord pays relocation assistance to the tenants as provided in section 3 of this act;

(f) Engaging in "drug-related activity." "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective ~~((twelve))~~ twenty-four months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section. A tenancy may be terminated without cause after twelve months' notice if the landlord pays relocation assistance to the tenants as provided in section 3 of this act.

(3) Within five days of a notice of eviction as required by subsection (1)(a) or (2) of this section, the landlord and tenant shall submit any dispute, including the decision to terminate the tenancy without cause, to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section, or for a period of thirty days for an eviction under subsection (2) of this section. It is a defense to an eviction under subsection (1)(a) or (2) of this section that a landlord did not participate in the mediation process in good faith.

NEW SECTION. Sec. 12. Any unit of local government may, with the director's approval, give or loan moneys to the fund if insufficient moneys are available to pay the fund's share of relocation assistance under section 3 of this act. When sufficient moneys exist in the fund, the director shall approve the repayment of the loaned moneys to the local government: PROVIDED, That any moneys made available under this section, or as a result of legislative appropriation, shall only be payable to tenants required to relocate their mobile homes due to park closure whose income, adjusted for family size, is equal to or less than eighty percent of the median income for the county where the park is located.

NEW SECTION. Sec. 13. A tenant may, with the written approval of his or her attorney at law, waive or compromise their right to relocation assistance under this chapter.

NEW SECTION. Sec. 14. Sections 1 through 7, 9, 10, 12, and 13 of this act constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator Lee that the Committee on Economic Development and Labor amendment to Engrossed Substitute House Bill No. 2136 not be adopted.

The motion by Senator Lee carried and the committee amendment was not adopted.

## MOTIONS

Senator Lee moved that the following amendment by Senators Lee, Murray, Bluechel, Nelson, Anderson, Smitherman, Bender, Thorsness, Warnke, Smith and Vogndild be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of community development.

(2) "Department" means the department of community development.

(3) "Fund" means the mobile home park relocation fund established under section 5 of this act consisting of tenant and landlord contributions.

(4) "Low-income" means at or below eighty percent of median income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.



(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under section 2 of this act.

**NEW SECTION.** Sec. 2. (1) If a mobile home park is closed or converted to another use, all affected park tenants are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of the effective date of this act, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance as provided in this section shall be shared as follows: The landlord or park-owner shall provide one-third and the fund shall provide two-thirds.

(4) After July 1, 1992, (a) if twenty-four months' notice of closure is given, the landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide or larger home and the fund shall provide the balance of the relocation assistance; (b) if the park-owner gives less than twenty-four months' notice the park-owner shall provide one-third and the fund shall provide two-thirds of the relocation assistance.

(5) The parkowner shall make any payment required by this chapter when demanded by the department; however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

(6) The director or his or her designee shall approve all expenditures from the fund.

(7) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.

**NEW SECTION.** Sec. 3. Notice required by RCW 59.20.080 before park closure or conversion of the park, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. This section shall apply to all park closures even though notice may have been given prior to the effective date of this act.

**NEW SECTION.** Sec. 4. A tenant is not entitled to relocation assistance under section 2 of this act if (1) the tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any notice of termination required by the landlord under this chapter has been given, or (2) a person purchases a mobile home already situated in the park or moves a mobile home into the park after a closure or change of use notice has been given and the person has received actual prior notice of the change or closure.

**NEW SECTION.** Sec. 5. (1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from assessments collected under section 6 of this act, and amounts required to be paid by park-owners shall be deposited into the fund. Expenditures from the fund may be used only for administration of the fund, relocation assistance under section 2 of this act, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However,

the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the parkowner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

(5) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.

**NEW SECTION. Sec. 6.** (1) There is hereby placed on all mobile homes located in mobile home parks an annual assessment of eleven dollars per mobile home beginning on January 1, 1990. The assessment shall be collected by the county treasurer or treasurers within the county or counties where the mobile home or the mobile home park is located. Notice of the assessment created under this section may be included on the notice of property taxes due, or may be sent separately from the notice of property taxes due. The assessment created under this section shall be due at the same time property taxes are due and shall constitute a lien on the mobile home upon which the assessment is imposed. Delinquent assessments created under this section shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting the assessment created in this section not to exceed five percent of the dollar value of the collection of assessments created under this section. The county treasurer may collect the assessment for 1990 at the same time the county treasurer collects the assessment for 1991 if the county treasurer would experience undue hardship in collecting the 1990 assessment in that year.

(2) Upon the request of the treasurer of the county or counties where the mobile home park is located, each park-owner shall provide the county treasurer with a list of all tenants residing in the park on January 1, 1989. This list shall be mailed by August 1, 1989, to the treasurer or treasurers of the county or counties where the mobile home park is located. The list shall include the name and address of each tenant, and the mobile home tax number of each tenant if available. Upon the request of the treasurer of the county or counties where the mobile home park is located, the park-owners shall update the list of tenants residing in the park.

(3) The assessments collected under subsection (1) of this section shall be forwarded to the state treasurer, less any administration fee collected by the county treasurer under this section. The state treasurer shall deposit one dollar of the assessment collected per mobile home in the mobile home affairs account created by RCW 59.22.070; the remainder of the assessment forwarded to the state treasurer under this subsection shall be deposited in the mobile home park relocation fund created under section 5 of this act.

(4) The department of revenue, the state treasurer, and the county treasurers may enact any rules necessary to carry out this section.

Sec. 7. Section 4, chapter 280, Laws of 1988 and RCW 59.22.060 are each amended to read as follows:

(1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year. ~~((and in addition, shall collect from each tenant on January 1 of each year a fee of one dollar per year for each lot rented by the tenant. Both fees))~~ except for unoccupied lots. This fee shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. ~~((The fee required by this chapter, to be collected by the landlord, shall be deemed to be held in trust by the landlord until paid to the department of revenue, and any landlord who appropriates or converts the fee collected to his or her own use other than the payment to the department shall be guilty of a gross misdemeanor. The provisions of chapter 82-32 RCW shall apply to the collection and enforcement of this fee.))~~ The department of revenue shall forward the one-dollar fee per lot paid by the landlord to the mobile home affairs account created by RCW 59.22.070.

(3) This section shall take effect on January 1, 1990.

Sec. 8. Section 5, chapter 280, Laws of 1988 and RCW 59.22.070 are each amended to read as follows:

There is created in the custody of the state treasurer a special account known as the mobile home affairs account. ~~((All fees collected pursuant to RCW 59.22.060 shall be placed in that account.))~~

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department of community development for the purpose of implementing RCW 59.22.050 and 59.22.060.

Sec. 9. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 1, chapter 58, Laws of 1984 and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) (i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after the effective date of this act.

(f) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

~~((f))~~ (g) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

~~((g))~~ (h) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of his space in relation to other tenants' spaces; and

~~((h))~~ (i) A statement of the current zoning of the land on which the mobile home park is located.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent:

(i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

**NEW SECTION.** Sec. 10. If the rental agreement includes a covenant by the landlord as described in RCW 59.20.060(1)(e)(i), the covenant runs with the land and is binding upon the purchasers, successors, and assigns of the landlord.

**NEW SECTION.** Sec. 11. Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under section 2 of this act to the state treasurer for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

Sec. 12. Section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 150, Laws of 1988 and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the ((proposed)) effective date of such change, except that for the period of six months following the effective date of this act the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "drug-related activity." "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.

(3) Within five days of a notice of eviction as required by subsection (1)(a) or (2) of this section, the landlord and tenant shall submit any dispute, including the decision to terminate the tenancy without cause, to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section, or for a period of thirty days for an eviction under subsection (2) of this section. It is a defense to an eviction under subsection (1)(a) or (2) of this section that a landlord did not participate in the mediation process in good faith.

**NEW SECTION.** Sec. 13. Any unit of local government may, with the director's approval, give or loan moneys to the fund if insufficient moneys are available to pay the fund's share of relocation assistance under section 2 of this act. When sufficient moneys exist in the fund, the director shall approve the repayment of the loaned moneys to the local government.

**NEW SECTION.** Sec. 14. A tenant may, with the written approval of his or her attorney at law, waive or compromise their right to relocation assistance under this chapter.

**NEW SECTION.** Sec. 15. Any person who intentionally violates, intentionally attempts to evade, or intentionally evades the provisions of this act is guilty of a misdemeanor.

**NEW SECTION.** Sec. 16. Sections 1 through 6, 10, 11, 13, 14, and 15 of this act constitute a new chapter in Title 59 RCW.

**NEW SECTION.** Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Lee, Murray, Bluechel, Nelson, Anderson, Smitherman, Bender, Warnke, Thorsness, Smith and Vognild to Engrossed Substitute House Bill No. 2136.

The motion by Senator Lee carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 59.22.060, 59.22.070, 59.20.060, and 59.20.080; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency."

On motion of Senator Lee, the rules were suspended, Engrossed Substitute House Bill No. 2136, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2136, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2136, as amended by the Senate, and the bill passed by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Hayner, West - 2.

Absent: Senator Madsen - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2136, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1668, by Committee on Human Services (originally sponsored by Representatives Anderson, Moyer, Locke, Bristow, Jacobsen and Wineberry) (by request of Department of Social and Health Services)

Providing for public assistance.

The bill was read the second time.

#### MOTION

Senator Smith moved that the following Committee on Children and Family Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 74.04.060, chapter 26, Laws of 1959 as last amended by section 29, chapter 435, Laws of 1987 and RCW 74.04.060 are each amended to read as follows:

For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. (However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the last known address and

location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.)

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

Sec. 2. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 31, chapter 75, Laws of 1987 and by section 9, chapter 406, Laws of 1987 and RCW 74.04.005 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program:

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known,

an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6) (a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property (~~but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630~~) by listing the property with a multiple listing realtor or other reasonable means when a multiple listing is unavailable or the realtor refuses to list the property: PROVIDED, That

(A) The applicant or recipient must sign an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients must be advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section;

(D) At the time assistance is authorized, the department shall file a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department shall not consider as income or a resource any personal property entrusted to an applicant or recipient of public assistance for a specific purpose, with an agreement that the trust shall be faithfully performed, and is as such, not available to the applicant or recipient for his or her own needs: PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of



the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 3. Section 41, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.04.473 are each amended to read as follows:

(1) The department (~~shall~~) may provide a community work and training program for recipients of aid for dependent children and the family independence program in accordance with RCW 74.04.390 through 74.04.470 (~~beginning no later than January 1, 1984~~). The program shall be designed to:

(a) Provide community work and training services to (~~a minimum of two hundred~~) recipients (~~in each biennium~~) of and to families with dependent children and the family independence program;

(b) Provide community work and training experience which will enhance the recipient's ability to obtain employment;

(c) Provide useful assistance to public and private nonprofit agencies which would otherwise not be provided by paid employees;

(d) Coordinate with other public or private employment programs to assure maximum employment opportunities for program participants;

(e) Utilize the effective components of the community work experience pilot program.

Sec. 4. Section 42, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.04.477 are each amended to read as follows:

(1) The department of social and health services (~~shall apply for a waiver from the federal government to~~) may implement a community work and training program for recipients of food stamps in accordance with RCW 74.04.390 through 74.04.470. (~~The program shall be established in two counties, one east and one west of the Cascade Mountains, and shall serve a minimum of one hundred recipients in each fiscal year.~~)

(2) Any member of a household participating in the food stamp program who is not exempt under subsection (3) of this section may be required to participate in the community work and training program required in subsection (1) of this section in order to continue to be eligible for food stamps.

(3) No household member shall be required to participate in the community work and training program who is:

(a) Determined to have good cause to refuse employment under chapter 74.23 RCW;

(b) Under eighteen or over sixty years of age;

(c) A parent or other member of the household responsible for the care of a child under six or of an incapacitated person;

(d) Employed at least twenty hours a week or participating in another work and training program under this title; or

(e) A regular participant in a drug addiction or alcohol training program.

(4) The department shall adopt any rules necessary to administer the community work and training program for food stamp recipients consistent with this title and with federal statutes and regulations.

Sec. 5. Section 2, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 321, Laws of 1977 ex. sess. and RCW 74.38.020 are each amended to read as follows:

As used in this chapter, the following words and phrases shall have the following meaning unless the content clearly requires otherwise:

(1) "Area agency" means an agency, other than a state agency, designated by the department to carry out programs or services approved by the department in a designated geographical area of the state.

(2) "Area plan" means the document submitted annually by an area agency to the department for approval which sets forth (a) goals and measurable objectives, (b) review of past expenditures and accounting of revenue for the previous year, (c) estimated revenue and expenditures for the ensuing year, and (d) the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of the Older Americans Act of 1965 (42 U.S.C. Sec. 3024 et. seq.), as now or hereafter amended.

(3) "Department" means the department of social and health services.

(4) "Office" shall mean the office on aging which is the organizational unit within the department responsible for coordinating and administering aging problems.

(5) "Eligible persons" means senior citizens who are:

(a) Sixty-five years of age or more; or

(b) Sixty years of age or more and are either (i) nonemployed, or (ii) employed for twenty hours per week or less; and

(c) In need of services to enable them to remain in their customary homes because of physical, mental, or other debilitating impairments.

(6) "Low income" means initial resources or subsequent income at or below forty percent of the state median income as promulgated by the secretary of the United States department of health, education and welfare for Title XX of the Social Security Act, or, in the alternative, a level determined by the department and approved by the legislature.

(7) "Income" shall have the same meaning as (~~RCW 74.04.005(12)~~) in chapter 74.04 RCW, as now or hereafter amended; except, that money received from RCW 74.38.060 shall be excluded from this definition.

(8) "Resource" shall have the same meaning as (~~RCW 74.04.005(11)~~) in chapter 74.04 RCW, as now or hereafter amended.

(9) "Need" shall have the same meaning as (~~RCW 74.04.005(13)~~) in chapter 74.04 RCW, as now or hereafter amended.

Sec. 6. Section 3, chapter 172, Laws of 1986 and RCW 50.63.030 are each amended to read as follows:

The commissioner of employment security and the secretary of the department of social and health services (~~shall~~) may establish pilot projects that enable grants to be used as a wage subsidy. The department of social and health services is designated as the lead agency for the purpose of complying with applicable federal statutes and regulations. The department shall seek any waivers from the federal government necessary to operate the employment partnership program. The projects shall be available on an individual case-by-case basis or subject to the limitations outlined in RCW 50.63.050 for the start-up or reopening of a plant under worker ownership. The projects shall be subject to the following criteria:

(1) It shall be a voluntary program and no person may have any sanction applied for failure to participate.

(2) Employment positions established by this chapter shall not be created as the result of, nor result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees;

(b) The filling of positions that would otherwise be promotional opportunities for current employees;

(c) The filling of a position, before compliance with applicable personnel procedures or provisions of collective bargaining agreements;

(d) The filling of a position created by termination, layoff, or reduction in workforce;

(e) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff;

(f) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers;

(g) Decertification of any collective bargaining unit.

(3) Wages shall be paid at the usual and customary rate of comparable jobs;

(4) A recoupment process shall recover state supplemented wages from an employer when a job does not last six months following the subsidization period for reasons other than the employee voluntarily quitting or being fired for good cause as determined by the commissioner of employment security under rules prescribed by the commissioner pursuant to chapter 50.20 RCW;

(5) Job placements shall have promotional opportunities or reasonable opportunities for wage increases;

(6) Other necessary support services such as training, day care, medical insurance, and transportation shall be provided to the extent possible;

(7) Employers shall provide monetary matching funds of at least fifty percent of total wages;

(8) Wages paid to participants shall be a minimum of five dollars an hour; and

(9) The projects shall target the hardest-to-employ populations to the extent that necessary support services are available.

Sec. 7. Section 3, chapter 434, Laws of 1987 and RCW 74.21.030 are each amended to read as follows:

Unless the context requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Benchmark standard" is the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus an amount not less than the full cash equivalent of food stamps for which any family of such size would otherwise be eligible.

(2) "Department" means the department of social and health services.

(3) "Enrollee" means the head(s) of household of a family who is eligible to receive, and is receiving, financial assistance or other services under the family independence program.

(4) "Executive committee" or "committee" means the family independence program executive committee, authorized by and subject to the provisions of this chapter, to make policy

recommendations to the legislature and develop procedure, program standards, data collection and information systems for family independence programs, including making budget allocations, setting incentive rates within appropriated funds, setting cost-sharing requirements for child care and medical services, and making related financial reports under chapter 43.88 RCW.

(5) "Family independence program services" include but are not limited to job readiness programs, job creation, employment, work programs, training, education, family planning services, development of a mentor program, income and medical support, parent education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

((7)) (6) "Food stamps" means the food purchase benefit available through the United States department of agriculture.

((8)) (7) "Gross income" means the total income of an enrollee from earnings, cash assistance, and incentive benefit payments.

((9)) (8) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, or work programs.

((10)) (9) "Job-ready" is the status of an enrollee who is assessed as ready to enter job search activities on the basis of the enrollee's skills, experience, or participation in job and education activities in accordance with RCW 74.21.080.

((11)) (10) "Job readiness training" means that training necessary to enable enrollees to participate in job search or job training classes. It may include any or all of the following: Budgeting and financial counseling, time management, self-esteem building, expectations of the workplace (including appropriate dress and behavior on the job), goal setting, transportation logistics, and other preemployment skills.

((12)) (11) "Maximum income levels" are those levels of income and cash benefits, both benchmark and incentive, which the state establishes as the maximum level of total gross cash income for persons to continue to receive cash benefits.

((13)) (12) "Medical benefits" or "medicaid" are categorically or medically needy medical benefits provided in accordance with Title XIX of the federal social security act. Eligibility and scope of medical benefits under this chapter shall incorporate any hereinafter enacted changes in the medicaid program under Title XIX of the federal social security act.

((14)) (13) "Noncash benefits" includes benefits such as child care and medicaid where the family receives a service in lieu of a cash payment related to the purposes of the family independence program.

((15)) (14) "Payment standard" is equal to the standard of need or a lesser amount if rateable reductions or grant maximums are established by the legislature. Standard of need shall be based on periodic studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but there shall not be proration of any portion of assistance grants unless the amount of the payment standard is equal to the standard of need.

((16)) (15) "Subsidized employment" means employment for which the family independence program has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

((17)) (16) "Unsubsidized employment" means employment for which the family independence program has not provided the employer the financial resources to compensate an enrollee for the performance of work.

NEW SECTION. Sec. 8. The legislature supports the policy of encouraging the care of dependent children in their own homes or in the homes of relatives to help maintain and strengthen family life and to help parents or relatives to attain maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. In furtherance of this policy the legislature finds that minor parents, with few exceptions, must live in specified protective situations to be eligible for aid to families with dependent children.

NEW SECTION. Sec. 9. Effective January 1, 1990, the department shall exercise the option regarding required living arrangements set forth in Section 403, Title IV of the family support act of 1988, P.L. 100-485.

NEW SECTION. Sec. 10. (1) Except as provided in subsection (2) of this section, any individual under the age of eighteen who has never married, and who has a dependent child in his or her care or is pregnant, and is otherwise eligible for aid to families with dependent children:

(a) May receive aid to families with dependent children only if the individual and child, or pregnant woman, reside in (i) the home maintained by a resident parent, legal guardian, or other adult relative of the individual or (ii) an alternative residential placement agreed upon by the individual and the individual's parent, or approved under chapter 13.32A RCW, and such placement does not receive foster care payments for providing care to the individual;

(b) The department shall make the payment out to the individual and send it to the address of the parent, legal guardian, other adult relative or alternative residential placement with whom the individual is residing.

(2) Subsection (1) of this section does not apply where:

(a) The individual has no parent or legal guardian or other adult relative who is living and whose whereabouts are known; however, in this situation, the department shall determine whether or not the circumstances warrant the filing of a petition under chapter 13.34 RCW. If the department determines that a dependency petition should be filed, the department shall do so immediately. In this situation, the individual shall still qualify for assistance until a final determination on the dependency petition is made by the court;

(b) No living parent, legal guardian, or other adult relative of the individual allows the individual to live in the parent, guardian, or adult relative's home; however, in this situation, the department shall determine whether or not the circumstances warrant the filing of a petition under chapter 13.34 RCW. If the department determines that a dependency petition should be filed, the department shall do so immediately. In this situation, the individual shall still qualify for assistance until a final determination on the dependency petition is made by the court;

(c) The physical or emotional health or safety of the individual or the dependent child would be jeopardized if the individual and the dependent child lived with the individual's parent, legal guardian, or other adult relative; however, in this situation, the department shall determine whether or not the circumstances warrant the filing of a petition under chapter 13.34 RCW. If the department determines that a dependency petition should be filed, the department shall do so immediately. In this situation, the individual shall still qualify for assistance until a final determination on the dependency petition is made by the court;

(d) The individual has lived apart from his or her parent, legal guardian, or other adult relative for at least one year before either the birth of the dependent child or before applying for aid to families with dependent children; or

(e) The department otherwise determines under rule there is good cause for waiving subsection (1) of this section.

(3)(a) Once the individual states the provisions of subsection (2) of this section apply to his or her case and he or she is otherwise eligible for aid to families with dependent children benefits, the individual shall be considered to be eligible for, and shall receive, aid to families with dependent children benefits even though he or she is not living with his or her parent, legal guardian, or other adult relative of the individual or living in an alternative residential placement agreed upon by the individual and the individual's parent, or approved under chapter 13.32A RCW, which placement does not receive foster care payments for providing care to the individual.

(b) The individual remains eligible for aid to families with dependent children until the department determines the provisions of subsection (2) of this section do not exempt the individual from the requirements of subsection (1) of this section. The burden of proof is on the department;

(c) Receipt of aid to families with dependent children benefits under this subsection is not an overpayment.

NEW SECTION, Sec. 11. The legislature supports the policy of encouraging the care of dependent children in their own homes or in the homes of relatives to help maintain and strengthen family life and to help parents or relatives to attain maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. In furtherance of this policy the legislature finds that minor parents, with few exceptions, must live in specified protective situations to be eligible for aid to families with dependent children.

NEW SECTION, Sec. 12. Effective January 1, 1990, the department shall exercise the option regarding required living arrangements set forth in Section 403, Title IV of the family support act of 1988, P.L. 100-485.

NEW SECTION, Sec. 13. (1) Except as provided in subsection (2) of this section, any individual under the age of eighteen who has never married, and who has a dependent child in his or her care or is pregnant, and is otherwise eligible for aid to families with dependent children:

(a) May receive aid to families with dependent children only if the individual and child, or pregnant woman, reside in (i) the home maintained by a resident parent, legal guardian, or other adult relative of the individual or (ii) an alternative residential placement agreed upon by the individual and the individual's parent, or approved under chapter 13.32A RCW, and such placement does not receive foster care payments for providing care to the individual;

(b) The department shall make the payment out to the individual and send it to the address of the parent, legal guardian, other adult relative, or the alternative residential placement with whom the individual is residing.

(2) Subsection (1) of this section does not apply where:

(a) The individual has no parent or legal guardian or other adult relative who is living and whose whereabouts are known; however, in this situation, the department shall determine whether or not the circumstances warrant the filing of a petition under chapter 13.34 RCW. If the department determines that a dependency petition should be filed, the department shall do so immediately. In this situation, the individual shall still qualify for assistance until a final determination on the dependency petition is made by the court;

(b) No living parent, legal guardian, or other adult relative of the individual allows the individual to live in the parent, guardian, or adult relative's home; however, in this situation, the department shall determine whether or not the circumstances warrant the filing of a petition under chapter 13.34 RCW. If the department determines that a dependency petition should be filed, the department shall do so immediately. In this situation, the individual shall still qualify for assistance until a final determination on the dependency petition is made;

(c) The physical or emotional health or safety of the individual or the dependent child would be jeopardized if the individual and the dependent child lived with the individual's parent, legal guardian, or other adult relative; however, in this situation, the department shall determine whether or not the circumstances warrant the filing of a petition under chapter 13.34 RCW. If the department determines that a dependency petition should be filed, the department shall do so immediately. In this situation, the individual shall still qualify for assistance until a final determination on the dependency petition is made;

(d) The individual has lived apart from his or her parent, legal guardian, or other adult relative for at least one year before either the birth of the dependent child or before applying for aid to families with dependent children; or

(e) The department otherwise determines under rule there is good cause for waiving subsection (1) of this section.

(3)(a) Once the individual states the provisions of subsection (2) of this section apply to his or her case and he or she is otherwise eligible for aid to families with dependent children benefits, the individual shall be considered to be eligible for, and shall receive, aid to families with dependent children benefits even though he or she is not living with his or her parent, legal guardian, or other adult relative of the individual or living in an alternative residential placement agreed upon by the individual and the individual's parent, or approved under chapter 13.32A RCW, which placement does not receive foster care payments for providing care to the individual;

(b) The individual remains eligible for aid to families with dependent children until the department determines the provisions of subsection (2) of this section do not exempt the individual from the requirements of subsection (1) of this section. The burden of proof is on the department;

(c) Receipt of aid to families with dependent children benefits under this subsection is not an overpayment.

NEW SECTION. Sec. 14. The department shall provide social services to all children as prescribed by law, regardless of their eligibility for financial assistance.

NEW SECTION. Sec. 15. (1) Sections 8 through 10 of this act are each added to chapter 74.21 RCW;

(2) Sections 11 through 13 of this act are each added to chapter 74.12 RCW;

(3) Section 14 of this act is added to chapter 13.32A RCW.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 25, chapter 228, Laws of 1963, section 352, chapter 141, Laws of 1979 and RCW 74.12.290;

(2) Section 26, chapter 228, Laws of 1963, section 353, chapter 141, Laws of 1979 and RCW 74.12.300;

(3) Section 27, chapter 228, Laws of 1963 and RCW 74.12.310;

(4) Section 28, chapter 228, Laws of 1963 and RCW 74.12.320; and

(5) Section 29, chapter 228, Laws of 1963 and RCW 74.12.330.

NEW SECTION. Sec. 17. Sections 1 through 6 and 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

#### POINT OF ORDER

Senator Niemi: "Thank you, Mr. President. I rise to a point order. I would request a ruling on the scope and object of the striking committee amendment. It seems to me that the two changes made in the Children and Family Services Committee do not conform with the original scope and object of the bill which is a pretty simple bill dealing with a kind of clean-up of public assistance grants."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1668 was deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1342, by Representatives Dellwo, Locke, Crane, Wineberry, Moyer, Padden, Belcher, H. Myers, Day, Winsley, Rector and Sprinkle (by request of Department of Corrections)

Allowing department of corrections to petition for review of sentences.

The bill was read the second time.

## MOTION

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 1342 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1342.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1342 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED HOUSE BILL NO. 1342, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1395, by Representatives R. Fisher, McLean, Anderson, Nealey and Wolfe (by request of State Investment Board)

Exempting certain financial and commercial information from public disclosure.

The bill was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator von Reichbauer: "Senator Nelson, under the provisions of this bill, it says the Public Meetings Act is changed so that the SIB may hold executive sessions to consider the same type of information if a similar result would occur with disclosure. Have there been examples of problems with disclosures?"

Senator Nelson: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1395.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1395 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED HOUSE BILL NO. 1395, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:30 by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGES FROM THE HOUSE

April 13, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1032,

HOUSE BILL NO. 1033,

SUBSTITUTE HOUSE BILL NO. 1067,

SUBSTITUTE HOUSE BILL NO. 1252,

HOUSE BILL NO. 1573,

HOUSE BILL NO. 1718,

HOUSE BILL NO. 1885,

HOUSE BILL NO. 1909,

HOUSE BILL NO. 2045, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1027,

HOUSE BILL NO. 1096,

HOUSE BILL NO. 1220,

HOUSE BILL NO. 1239, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1989

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1524,

HOUSE BILL NO. 1545,

HOUSE BILL NO. 1862, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5098,

SUBSTITUTE SENATE BILL NO. 5126,

SUBSTITUTE SENATE BILL NO. 5127,

SUBSTITUTE SENATE BILL NO. 5933, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1989

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5040,

SENATE BILL NO. 5054,

SENATE BILL NO. 5137,

SENATE BILL NO. 5150,

SENATE BILL NO. 5156,

SUBSTITUTE SENATE BILL NO. 5168,

SENATE BILL NO. 5353,

SUBSTITUTE SENATE BILL NO. 5488,

SENATE BILL NO. 5502,  
 SUBSTITUTE SENATE BILL NO. 5531,  
 SENATE BILL NO. 5590,  
 SUBSTITUTE SENATE BILL NO. 5641,  
 SECOND SUBSTITUTE SENATE BILL NO. 5660,  
 SENATE BILL NO. 5731,  
 SENATE BILL NO. 5824,  
 SUBSTITUTE SENATE BILL NO. 5891, and the same are herewith transmitted.  
 ALAN THOMPSON, Chief Clerk

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1904, by Representative Hine

Substituting the word improvements, in place of facilities, for use as security for transportation impact fees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 2, line 5, after "off-site" strike "improved" and insert "~~((improved))~~"

On page 2, line 9, after "dedicated" strike "facilities" and insert "~~((facilities))~~ improvements"

On motion of Senator Nelson, the rules were suspended, House Bill No. 1904, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1904, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1904, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators McDonald, Sellar - 2.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

HOUSE BILL NO. 1904, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator McDonald was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1777, by Representatives Leonard, P. King, Pruitt, Sayan, R. King, Todd and Raiter (by request of Department of Social and Health Services)

Providing for alternative residential placement.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 4, beginning on line 24, strike all of "Sec. 4." and renumber the remaining sections consecutively.



On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 1777, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1777, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1777, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Snitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Craswell - 1.

Absent: Senator Smith - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, McDonald - 5.

ENGROSSED HOUSE BILL NO. 1777, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2041, by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Todd, Rector, Ballard, Leonard, Anderson, Padden, D. Sommers and McLean)

Changing landlord-tenant law.

The bill was read the second time.

#### MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 22, line 36, after "although" strike all of the material through "requirements" on page 23, line 2 and insert "any counterclaim shall be dismissed without prejudice if the court or arbitrator determines that the tenant failed to follow the notice requirements contained in this section"

On page 23, line 8, after "landlord's" insert "or tenant's"

On page 24, line 9, after "on" strike "January 1, 1990" and insert "August 1, 1989"

#### MOTION

On motion of Senator Bender, Senator Vognild was excused.

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Talmadge be adopted:

On page 11, beginning on line 31, strike all of Section 10

Reumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Pullen and Talmadge on page 11, beginning on line 31, to Substitute House Bill No. 2041.

The motion by Senator Pullen carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 3 of the title, after "59.18.280," strike "59.18.300."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 2041, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2041, as amended by the Senate, was deferred.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1027,  
HOUSE BILL NO. 1096,  
HOUSE BILL NO. 1220,  
HOUSE BILL NO. 1239.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1032,  
HOUSE BILL NO. 1033,  
SUBSTITUTE HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1252,  
HOUSE BILL NO. 1573,  
HOUSE BILL NO. 1718,  
HOUSE BILL NO. 1885,  
HOUSE BILL NO. 1909,  
HOUSE BILL NO. 2045.

## SECOND READING

HOUSE BILL NO. 1698, by Representatives R. Fisher, McLean and Anderson (by request of Secretary of State)

Consolidating standards for establishing precinct boundaries.

The bill was read the second time.

## MOTION

Senator Cantu moved that the following amendments by Senators Hayner, Cantu and Madsen be considered simultaneously and be adopted:

On page 1, line 14, after "(3)" strike all material through "county," on line 19, and insert the following:

"Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.

(4) After a change to precinct boundaries is adopted by the county legislative authority, the county auditor shall send to the secretary of state a copy of the legal description and a map or maps of the changes and, if all or part of the changes do not follow visible, physical features, a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration."

Renumber remaining subsections consecutively and correct internal references accordingly

On page 2, line 12, after "distribution," "review."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Hayner, Cantu and Madsen on page 1, line 14, and page 2, line 12, to House Bill No. 1698.

The motion by Senator Cantu carried and the amendments were adopted.

## MOTION

On motion of Senator Thorsness, the rules were suspended, House Bill No. 1698, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1698, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1698, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators McMullen, Patterson - 2.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, Vognild - 5.

HOUSE BILL NO. 1698, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2041, as amended by the Senate, deferred on third reading earlier today.

#### MOTION

Senator Newhouse moved that the rules be suspended and Substitute House Bill No. 2041, as amended by the Senate, be returned to second reading.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse that the rules be suspended and Substitute House Bill No. 2041, as amended by the Senate, be returned to second reading.

The motion to suspend the rules and return Substitute House Bill No. 2041, as amended by the Senate, carried on a rising vote.

Substitute House Bill No. 2041, as amended by the Senate, was read the second time.

#### MOTION

Senator Newhouse moved that the following amendment be adopted:

On page 1, line 18, after "fee of" strike "twenty" and insert "thirty-five"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Newhouse on page 1, line 18, to Substitute House Bill No. 2041, as amended by the Senate.

The motion by Senator Newhouse carried and the amendment to Substitute House Bill No. 2041, as amended by the Senate, was adopted.

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 2041, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2041, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2041, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Smith, Smitherman,

Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wjahn - 39.

Voting nay: Senators McDonald, Metcalf, Nelson, Pullen, Rasmussen - 5.

Absent: Senator Sellar - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

SUBSTITUTE HOUSE BILL NO. 2041, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1217, by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen and Hine)

Revising provisions for water and sewer districts.

The bill was read the second time.

## MOTIONS

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 449, Laws of 1987 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof. A sewer district may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged and may construct, acquire, or own buildings and other necessary district facilities. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each

year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Sec. 2. Section 8, chapter 114, Laws of 1929 as last amended by section 1, chapter 11, Laws of 1988 and RCW 57.08.010 are each amended to read as follows:

A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes. A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer. A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system. Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

A water district may purchase and take water from any municipal corporation.

A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

Sec. 3. Section 1, chapter 11, Laws of 1967 ex. sess. as last amended by section 13, chapter 162, Laws of 1988 and RCW 56.24.070 are each amended to read as follows:

Territory (adjoining or in close proximity to a district) within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district. ((In addition, any nonadjoining territory in a county of the fifth class or smaller composed entirely of islands may be annexed to and become part of a district operating within the county.)) All annexations shall be accomplished in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election

may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether the territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the election officer shall transmit it, together with a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 4. Section 15, chapter 18, Laws of 1959 as last amended by section 14, chapter 162, Laws of 1988 and RCW 57.24.010 are each amended to read as follows:

Territory ((adjoining or in close proximity to a district)) within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district ((in addition, any nonadjoining territory in a county of the fifth class or smaller composed entirely of islands may be annexed to and become part of a district operating within the county.)) All annexations shall be accomplished in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer of each county in which the real property proposed to be annexed is located, who shall, within ten days, examine and validate the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the county election officer of the county in which the real property proposed to be annexed is located shall transmit it, together with a certificate of sufficiency attached thereto to the water commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority of each county in which the territory proposed to be annexed is located.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 5. Section 1, chapter 51, Laws of 1953 as amended by section 1, chapter 172, Laws of 1984 and RCW 56.08.080 are each amended to read as follows:

The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines ~~((by unanimous vote of the elected members of the board))~~ that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no notice of intention is required to sell personal property of less than five hundred dollars in value. ~~((If property is sold without notice, such property may not be purchased by a commissioner or an employee of the district, or relatives of commissioners or employees.))~~

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice

shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 6. Section 2, chapter 51, Laws of 1953 as last amended by section 1, chapter 162, Laws of 1988 and RCW 56.08.090 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred eighty days of offering the property for sale, the board of commissioners of the sewer district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The sewer district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for three consecutive weeks in a newspaper of general circulation in the sewer district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 7. Section 1, chapter 50, Laws of 1953 as amended by section 2, chapter 299, Laws of 1977 ex. sess. and RCW 57.08.015 are each amended to read as follows:

The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines ~~((by unanimous vote of the elected members of the board))~~ that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no such notice of intention shall be required to sell personal property of less than ~~((two hundred fifty))~~ five hundred dollars in value.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 8. Section 2, chapter 50, Laws of 1953 as last amended by section 2, chapter 162, Laws of 1988 and RCW 57.08.016 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred eighty days of offering the property for sale, the board of commissioners of the water district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The water district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for three consecutive weeks in a newspaper of general circulation in the water district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 9. Section 2, chapter 197, Laws of 1967 as amended by section 1, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.010 are each amended to read as follows:

Two or more sewer districts (~~—adjoining or in close proximity to each other—~~) may be joined into one consolidated sewer district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the sewer districts proposed to be consolidated may petition the board of sewer commissioners of each of their respective sewer districts to cause the question to be submitted to the legal electors of the

sewer districts proposed to be consolidated; or, the boards of sewer commissioners of each of the sewer districts proposed to be consolidated may by resolution determine that the consolidation of such districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of such districts.

Sec. 10. Section 9, chapter 197, Laws of 1967 as amended by section 6, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.080 are each amended to read as follows:

Whenever ~~((there are))~~ two sewer districts ~~((the territories of which are adjoining or in close proximity to each other))~~ desire to merge, either district hereinafter referred to as the "merging district", may merge into the other districts, hereinafter referred to as the "merger district", and the merger district will survive under its original name or number.

Sec. 11. Section 1, chapter 267, Laws of 1943 as last amended by section 28, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.32.010 are each amended to read as follows:

Two or more water districts ~~((adjoining or in close proximity to each other.))~~ may be joined into one consolidated water district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the water districts proposed to be consolidated may petition the board of water commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated; or the boards of water commissioners of each of the water districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

Sec. 12. Section 1, chapter 28, Laws of 1961 as last amended by section 29, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.36.010 are each amended to read as follows:

Whenever ~~((there are))~~ two water districts ~~((the territories of which are adjoining or in close proximity to each other))~~ desire to merge, either district, hereinafter referred to as the "merging district", may merge into the other district, hereinafter referred to as the "merger district", and the merger district will survive under its original number. ~~((The term "in proximity to" as used hereinabove shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the two districts.))~~

NEW SECTION. Sec. 13. A new section is added to chapter 36.93 RCW to read as follows:

The proposal by a water district or sewer district to annex territory that is not adjacent to the district shall not be deemed to be violative of the objectives of a boundary review board solely due to the fact that the territory is not adjacent to the water district or sewer district. The proposed consolidation or merger of two or more water districts or two or more sewer districts that are not adjacent to each other shall not be deemed to be violative of the objectives of a boundary review board solely due to the fact that the districts are not adjacent.

NEW SECTION. Sec. 14. A new section is added to chapter 57.08 RCW to read as follows:

A water district may enter into a contract with any person, corporation, or other entity, public or private, that owns a water system located in the water district to manage, operate, maintain, or repair the water system. Such a contract may be entered into only if the general comprehensive plan of the water district reflects the water system that is to be so managed, operated, maintained, or repaired.

A water district shall be liable to provide the services provided in such a contract only if the required contractual payments are made to the district, and such payments shall be secured by a lien on the property served by the water system to the same extent that rates and charges imposed by the water district constitute liens on the property served by the district. The responsibility for all costs incurred by the water system in complying with water quality laws, regulations, and standards shall be solely that of the water system and not the water district, except to the extent payments have been made to the district for the costs of such compliance.

A water district periodically may transfer to another account surplus moneys that may accumulate in an account established by the district to receive payments for the provision of services for such a water system.

Sec. 15. Section 1, chapter 449, Laws of 1987 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses



and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

The connection charge may include interest charges applied from the date of construction of the sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the sewer system, or at the time of installation of the sewer lines to which the property owner is seeking to connect.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 16. Section 17, chapter 210, Laws of 1941 as last amended by section 47, chapter 186, Laws of 1984 and RCW 56.16.030 are each amended to read as follows:

(1) In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the general comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan as provided in RCW 56.16.010. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified or referred to in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners.

(2) After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 56.08.020, the district shall include a long-term plan for financing the planned projects.

NEW SECTION, Sec. 17. If the sewer district approves an extension to the sewer system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's sewer system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

(1) Construction of such extension according to plans and specifications approved by the district;

(2) Inspection and approval of such extension by the district;

(3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;

(4) Payment of all required connection charges to the district;

(5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;

(6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;

(7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and

(8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION, Sec. 18. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the sewer facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the sewer facilities within the fifteen-year period and who did not contribute to the original cost of such sewer facilities.

NEW SECTION, Sec. 19. The reimbursement shall be a pro rata share of construction and contract administration costs of the sewer project. Reimbursement for sewer projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION, Sec. 20. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar sewer improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION, Sec. 21. As an alternative to financing projects under this chapter solely by owners of real estate, sewer districts may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the board of commissioners has specified the conditions of its participation in a resolution.

Sec. 22. Section 8, chapter 114, Laws of 1929 as last amended by section 1, chapter 11, Laws of 1988 and RCW 57.08.010 are each amended to read as follows:

(1) (a) A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes.

(b) A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby.

(c) The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer.

(d) A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law.

(e) A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system.

(f) Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

(g) For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district.

(h) For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

(i) For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

(2) A water district may purchase and take water from any municipal corporation.

(3) A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

(a) For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

(b) The connection charge may include interest charges applied from the date of construction of the water system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the water system, or at the time of installation of the water lines to which the property owner is seeking to connect.

(4) (a) A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

(b) Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 23. Section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 213, Laws of 1982 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any

lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the comprehensive plan: PROVIDED, That nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority: PROVIDED, That the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

**NEW SECTION.** Sec. 24. If the water district approves an extension to the water system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's water system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

- (1) Construction of such extension according to plans and specifications approved by the district;
- (2) Inspection and approval of such extension by the district;
- (3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;
- (4) Payment of all required connection charges to the district;
- (5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;
- (6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;
- (7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and
- (8) Verification and approval of all contracts and costs related to such extension.

**NEW SECTION.** Sec. 25. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the water facilities constructed pursuant to such

contract from connection charges received by the district from other property owners who subsequently connect to or use the water facilities within the fifteen-year period and who did not contribute to the original cost of such water facilities.

**NEW SECTION.** Sec. 26. The reimbursement shall be a pro rata share of construction and reimbursement of contract administration costs of the water project. Reimbursement for water projects shall include, but not be limited to, design, engineering, installation, and restoration.

**NEW SECTION.** Sec. 27. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar water improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

**NEW SECTION.** Sec. 28. As an alternative to financing projects under this chapter solely by owners of real estate, a water district may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the water district has specified the conditions of its participation in a resolution.

**NEW SECTION.** Sec. 29. (1) Sections 17 through 21 of this act shall constitute a new chapter in Title 56 RCW.

(2) Sections 24 through 28 of this act shall constitute a new chapter in Title 57 RCW."

On motion of Senator McCaslin, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 24, after line 32 of the amendment, insert the following:

**\*NEW SECTION.** Sec. 29. A new section is added to chapter 56.12 RCW to read as follows:

(1) An established sewer district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district who are registered to vote in the state of Washington; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 56.12.020.

**NEW SECTION.** Sec. 30. A new section is added to chapter 56.12 RCW to read as follows:

A sewer district that expands its electorate under the provisions of section 29 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

**NEW SECTION.** Sec. 31. A new section is added to chapter 57.12 RCW to read as follows:

(1) An established water district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district who are registered to vote in the state of Washington; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 57.12.020.

**NEW SECTION.** Sec. 32. A new section is added to chapter 57.12 RCW to read as follows:

A water district that expands its electorate under the provisions of section 31 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking Committee on Governmental Operations amendment, as amended, to Substitute House Bill No. 1217.

#### POINT OF INQUIRY

Senator Madsen: "Senator McCaslin, the question I have and I can't find it right now, but did you change the voting from a plurality to a majority when these people vote—when the electorate votes? I believe in here you changed from a plurality to a majority."

Senator McCaslin: "What page are you on, Senator?"

Senator Madsen: "Well, I can't find it right now."

Senator McCaslin: "Oh, I see."

Senator Madsen: "But I read it in here awhile ago."

Senator McCaslin: "If you can't find it, I'll have trouble answering it."

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1217 was deferred.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1524,  
HOUSE BILL NO. 1545,

HOUSE BILL NO. 1862.

SECOND READING

ENGROSSED HOUSE BILL NO. 1664, by Representatives Betzoff, Baugher, Zellinsky, Patrick, R. Fisher, R. Meyers, Schmidt, Ferguson and Walker

Restricting the use of tinted glass on motor vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 3, line 23, after "operate," strike "alter, or sell"

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 3, line 26, after "Limousines" insert "and passenger buses"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1664, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1664, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1664, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED HOUSE BILL NO. 1664, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1630, by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Leonard, Todd and Brough)

Clarifying the property status of manufactured homes.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1630 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1630.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1630 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

SUBSTITUTE HOUSE BILL NO. 1630, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1572, by Committee on State Government (originally sponsored by Representatives R. Fisher and McLean) (by request of Secretary of State)

Clarifying procedures for nominations of minor parties and independent candidates.

The bill was read the second time.

#### MOTION

On motion of Senator Hayner, the rules were suspended, Substitute House Bill No. 1572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1572.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1572 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

SUBSTITUTE HOUSE BILL NO. 1572, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1768, by Representatives Todd and Nutley (by request of Department of Community Development)

Increasing the building permit fee.

The bill was read the second time.

#### MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendments were considered simultaneously and were adopted:

On page 1, line 19, after "unit," insert "The state building code council shall within one year of the effective date of this act, adopt rules, under chapter 34.05 RCW, for the purpose of recommending changes in the fee and surcharges provided in this subsection."

On page 1, beginning on line 23, strike the remainder of the bill.

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 2 of the title, after "19.27.085" strike "; and making an appropriation"

#### MOTION

On motion of Senator Benitz, the rules were suspended, Engrossed House Bill No. 1768, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1768, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1768, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vogniuld, von Reichbauer, Warnke, West, Williams - 41.

Voting nay: Senators Lee, Rasmussen, Wojahn - 3.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

ENGROSSED HOUSE BILL NO. 1768, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1217 and the pending Committee on Governmental Operations striking amendment, as amended, deferred earlier today.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Substitute House Bill No. 1217.

The Committee on Governmental Operations amendment, as amended, was adopted.

## MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 56.08.010, 57.08.010, 56.24.070, 57.24.010, 56.08.080, 56.08.090, 57.08.015, 57.08.016, 56.32.010, 56.32.080, 57.32.010, 57.36.010, 56.08.010, 56.16.030, 57.08.010, and 57.16.010; adding a new section to chapter 36.93 RCW; adding a new section to chapter 57.08 RCW; adding a new chapter to Title 56 RCW; and adding a new chapter to Title 57 RCW."

On page 25, line 12 of the title amendment, after "Title 56 RCW;" strike "and" and on line 12 of the title amendment, after "Title 57 RCW" insert "; adding new sections to chapter 56.12 RCW; and adding new sections to chapter 57.12 RCW"

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1217, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, I wanted to ask you, if it is a small sewer district, but if I'm not a resident--I may own land--can I come in and be on the board and get elected? Is that right?"

Senator McCaslin: "You get elected and then you're on the board."

Senator Rasmussen: "Yes, and it's very easy, because I have maybe two or three friends and I take over control of the district even though it's a small district and I'm not a resident of the district. That's a new approach. I'm not so sure it's good. Maybe you could explain to me why this change is needed."

Senator McCaslin: "May I yield my time to Senator Anderson, because I'm not trying to spend more time than I should here, Mr. President?"

Senator Rasmussen: "I did have property in a district and they did assess it and it was taxation without representation and I felt real bad about it, but never the less, I felt that the people there had the right to handle the sewer district. I'm just curious why this is needed. Maybe Ann has an answer."

Senator McCaslin: "Before Senator Anderson responds, let me tell you something, Senator Rasmussen, that is in statute at the present time. I ran into it in Fire District 1 in Spokane County which is the largest fully-manned fire district in the state of Washington, and it covers about eighty some thousand people. Now the oddity in our law, today, is you could own every inch of property in that fire district--every inch of property--and live outside of the boundaries and not have a vote--you would not have a vote. All the people who didn't own property and

lived there could vote whatever assessment they wanted, but you, the legal owner of all that property, could not vote, so we've got some real odd things. This is to correct one of those odd things. Speaking of odd things, I'd like to introduce Senator Anderson."

#### REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President, and thank you, Senator McCaslin. To answer your question, Senator Rasmussen, I had actually two cases in my district where this is applicable. The first case was a very small district that has three commissioners. All three of the commissioners were very elderly. One of the commissioners went to the hospital; the second commissioner got gravely ill, so they were down to one commissioner and had nobody else in the district. They all had been commissioners before--nobody else would take that position--so they had one commissioner and they couldn't transact any business. They had some property owners there who were willing to do it, but they didn't live on the property. They were in the process of building on that property.

"The second circumstance was that I had another smaller water district with seven residents. All seven of those residents, at one time, had been a commissioner. Nobody wanted to do it any more, so nobody was running and being elected. They had nobody else to chose from. Again, there were property owners there that lived some place else and were planning on moving in, but could not be commissioners there until they actually lived there. So, in two instances already in my area, I've had cases where the districts have been so small, they simply could not get commissioners to run for the water district."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1217, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1217, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Fleming, Kreidler, Moore, Sutherland, Talmadge - 5.

Absent: Senators Owen, Pullen - 2.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1217, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Kreidler, Senator Rinehart was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1844, by Representatives Doty, Rasmussen, Heavey, Cole, Ballard, Leonard, Schoon, Nealey, Walker, Ferguson, May, Moyer, Brough, Miller, Bowman, Wood and Patrick

Regulating house-to-house sales.

The bill was read the second time.

#### MOTION

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1844 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Hayner: "Senator Lee, Engrossed House Bill No. 1844 regulates the employment of youths, sixteen and seventeen years old and younger, in house-to-house sales. What type of jobs are intended to be covered?"

Senator Lee: "Senator Hayner, the only young people who are intended to be covered are those who may be exploited in travelling youth crew selling jobs that usually promise glamour and high wages. It does not cover jobs of young salespersons still living at home with jobs which are part time for extra money, because there are many legitimate income opportunities in house-to-house selling. These are not covered by the proposed law.

"What the bill does address is the real problems which occur with jobs that transport the young employees in teams to locations away from home without any easy means of contacting home. The crew leaders often require them to live in certain places and control their working and free time. The employees are given only a small part of their earnings for living expenses and are punished by having their wages withheld. The hours of work often exceed normal full-time employment and any free time is filled with obligatory meetings, so that is what this bill would cover--those exploitation procedures."

Senator Hayner: "One further question. Did the business community express any concern about the scope of Engrossed House Bill No. 1844, and if so what were those concerns?"

Senator Lee: "There were not any concerns expressed during the hearings, but after the hearings were over and the bill was here in the Rules Committee in the Senate and had passed the House, someone from the business community did call the House sponsor and contacted us here in the Senate after it had its hearing and expressed concern that the term 'advertisement' is not defined. Yet, it is a deceptive trade practice if the advertising promises what it does not deliver.

"However, the terms of Section 2 only apply to advertisements in print which specifically prescribe a minimum age for job qualification purposes. As a result, advertisements which do not specify age are not affected by the bill. I do not believe legitimate businesses need to be concerned. None of the ones who appeared before us were concerned. The organizations such as the Seventh Day Adventists and so on who do have house-to-house sales as training for their young people felt that the bill adequately protected their activities, so it should not interfere with any business if they are not engaged in abusive sales practices."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1844.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1844 and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Fleming, Hayner, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Amondson, Cantu, Craswell, Johnson, McCaslin, McDonald, Nelson, Patterson, Pullen, Rasmussen, Thorsness, von Reichbauer, West - 13.

Excused: Senators DeJarnatt, Gaspard, Hansen, Rinehart - 4.

ENGROSSED HOUSE BILL NO. 1844, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1958, by Committee on State Government (originally sponsored by Representatives R. Fisher, Hankins, Anderson, R. King, McLean, Sayan and Morris)

Specifying chiropractic board membership requirements and clarifying the duties of board members.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following Committee on Health Care and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 53, Laws of 1959 as last amended by section 49, chapter 279, Laws of 1984 and RCW 18.25.015 are each amended to read as follows:

There is hereby created a state board of chiropractic examiners consisting of five practicing chiropractors and one consumer member to conduct examinations and perform duties as provided in this chapter.

Members of the board shall be appointed by the governor, who may consider such persons who are recommended for appointment by chiropractic associations of this state. For at least five years preceding the time of their appointment, and during their tenure of office, the members of the board must be actual residents of Washington (~~licensed to practice chiropractic in this state~~) and must be citizens of the United States. In addition, the doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years.

Appointments shall be for a term of (~~three~~) five years. Vacancies of members shall be filled by the governor as in the case of original appointment, such appointee to hold office for the remainder of the unexpired term. No board member shall serve more than two consecutive full terms.

A simple majority of the board members shall constitute a quorum of the board.

Sec. 2. Section 2, chapter 53, Laws of 1959 as last amended by section 23, chapter 259, Laws of 1986 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a (~~secretary~~) vice-chairman from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he or she deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW (~~43.03.240~~) 43.03.250 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the (~~general fund~~) health professions account on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

Sec. 3. Section 5, chapter 5, Laws of 1919 as last amended by section 14, chapter 7, Laws of 1985 and RCW 18.25.020 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him or her to do so, shall make application therefor to the director, upon such form and in such manner as may be adopted and directed by the director. Each applicant who matriculates to a chiropractic college after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his or her own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his or her educational advantages, his or her experience in matters pertaining to a knowledge of the care of the sick, how long he or she has studied chiropractic, under what teachers, what collateral branches, if any, he or she has studied, the length of time he or she has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director by each applicant for a license, a fee determined by the director as provided in RCW 43.24.086 which shall accompany application and a fee determined by the director as provided in RCW 43.24.086, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Sec. 4. Section 6, chapter 5, Laws of 1919 as last amended by section 10, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.030 are each amended to read as follows:

Examinations for license to practice chiropractic shall be made by the board of chiropractic examiners according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the examining committee until after the examination papers are graded.

All examinations shall be in whole or in part in writing, the subject of which shall be as follows: Anatomy, physiology, (~~hygiene, symptomatology, neurology, spinal pathology~~) spinal anatomy, microbiology-public health, general diagnosis, neuromusculoskeletal diagnosis,

x-ray, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges. The board shall administer a practical examination to applicants which shall consist of diagnosis, principles and practice, x-ray, and adjustive technique consistent with chapter 18.25 RCW. A license shall be granted to all applicants ((who shall correctly answer)) whose score over each subject tested is seventy-five percent ((of all questions asked, and if any applicant shall fail to answer correctly seventy percent of the questions on any branch of said examination, he or she shall not be entitled to a license)). The board may enact additional requirements for testing administered by the national board of chiropractic examiners.

Sec. 5. Section 10, chapter 5, Laws of 1919 as last amended by section 17, chapter 7, Laws of 1985 and RCW 18.25.070 are each amended to read as follows:

(1) Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours during the preceding ~~((three year))~~ twelve-month period, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners; PROVIDED, That the board may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

(a) ~~((Symposiums which shall be approved by the board for licensees practicing or residing within the state of Washington are those sponsored or conducted by any chiropractic association in the state or an approved chiropractic college or other institutions or organizations which devote themselves to lectures or demonstrations))~~ The board shall set criteria for the course content of educational symposia concerning matters which are recognized ((tm)) by the state of Washington chiropractic licensing laws. It shall be the licensee's responsibility to determine whether the course content meets these criteria;

(b) The board shall adopt standards for distribution of annual continuing education credit requirements;

(c) Rules shall be adopted by the board for licensees practicing and residing outside the state who shall meet all requirements established by the board by rules and regulations.

(2) Every person practicing chiropractic within this state shall pay on or before ~~((the first day of September of each year))~~ his or her birth anniversary date, after a license is issued to him or her as herein provided, to said director a renewal license fee to be determined by the director as provided in RCW 43.24.086. The director shall, thirty days or more before ~~((September first of each year, mail to all chiropractors in the state))~~ the birth anniversary date of each chiropractor in the state, mail to that chiropractor a notice of the fact that the renewal fee will be due on or before ((the first of September)) his or her birth anniversary date. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his or her annual license renewal fee ~~((by the first day of October following the date on which the fee was due))~~ within thirty days of license expiration shall work a forfeiture of his or her license. It shall not be reinstated except upon evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the director as provided in RCW 43.24.086, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. Should the licentiate allow his or her license to elapse for more than three years, he ((must)) or she may be reexamined as provided for in RCW 18.25.040 at the discretion of the board.

Sec. 6. Section 15, chapter 5, Laws of 1919 as last amended by section 24, chapter 259, Laws of 1986 and RCW 18.25.090 are each amended to read as follows:

On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his or her name the term chiropractor, D.C., or D.C.Ph.C., designating his or her line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

Sec. 7. Section 1, chapter 171, Laws of 1967 and RCW 18.26.010 are each amended to read as follows:

This chapter is passed:

(1) In the exercise of the police power of the state and to provide an adequate public agency to act as a disciplinary body for the members of the chiropractic profession licensed to practice chiropractic in this state;

(2) Because the health and well-being of the people of this state are of paramount importance;

(3) Because the conduct of members of the chiropractic profession licensed to practice chiropractic in this state plays a vital role in preserving the health and well-being of the people of the state; and

(4) ~~((Because the agency which now exists to handle disciplinary proceedings for members of the chiropractic profession licensed to practice chiropractic in this state is ineffective and very infrequently employed, and consequently there is no effective means of handling~~

such disciplinary proceedings when they are necessary for the protection of the public health, and

(5)) Because practicing other healing arts while licensed to practice chiropractic and while holding one's self out to the public as a chiropractor affects the health and welfare of the people of the state.

Sec. 8. Section 2, chapter 171, Laws of 1967 and RCW 18.26.020 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the chiropractic disciplinary board;

(2) "License" means a certificate of license to practice chiropractic in this state as provided for in chapter 18.25 RCW;

(3) "Members" means members of the chiropractic disciplinary board;

(4) ("~~Secretary~~" means the ~~secretary of the chiropractic disciplinary board~~) "Department" means the department of licensing;

(5) "Director" means the director of the department of licensing or the director's designee;

(6) "Chiropractor" means a person licensed under chapter 18.25 RCW.

Sec. 9. Section 1, chapter 46, Laws of 1980 and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board of seven members to be composed of six chiropractic members to be appointed by the governor, and one member appointed by the governor who shall be representative of the public at large. (~~Initial members shall be named within thirty days after May 2, 1979, whose names and addresses shall be promptly sent to the director of licensing, and such board shall meet and organize at a time and place to be determined by the director of licensing within sixty days after May 2, 1979 and after written notice to the named members of such date and place.~~

~~The director of licensing or the designee shall designate the terms of the initial members of the disciplinary board. For terms beginning on May 2, 1979, three members shall be designated for three-year terms, two members shall be designated for four-year terms, and two members shall be designated for five-year terms.~~

~~Subsequent designations) For at least five years preceding the time of their appointment, and during their tenure of office, the chiropractic members of the board must be residents of Washington.~~

~~In addition, the doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years.~~

~~Board appointments shall be for a term of five years. No board member shall serve more than two consecutive full terms.~~

Sec. 10. Section 2, chapter 46, Laws of 1980 as amended by section 28, chapter 287, Laws of 1984 and RCW 18.26.070 are each amended to read as follows:

Members of the board may be compensated in accordance with RCW (~~43.03.240~~) 43.03.250 and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060, with such reimbursement to be paid out of the (~~general fund~~) health professions account on vouchers signed by the director of licensing.

Sec. 11. Section 9, chapter 171, Laws of 1967 and RCW 18.26.090 are each amended to read as follows:

The board shall elect from its members a chairman(;) and vice-chairman. (~~and secretary~~) who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. (~~Five~~) A simple majority of the board members shall constitute a quorum (to transact the business) of the board.

NEW SECTION. Sec. 12. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of the department of licensing or the director's designee.

(3) "Chiropractor" means an individual licensed under this chapter.

(4) "Board" means the Washington state board of chiropractic examiners.

NEW SECTION. Sec. 13. Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office, after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon.

NEW SECTION. Sec. 14. (1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice chiropractic in this state without first activating the license.

(2) The inactive renewal fee shall be established by the director pursuant to RCW 43.24.086. Failure to renew an inactive license shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with the rules established by the board.

(4) The provisions relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 15. Sections 12 through 14 of this act are each added to chapter 18.25 RCW."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 18.25.015, 18.25.017, 18.25.020, 18.25.030, 18.25.070, 18.25.090, 18.26.010, 18.26.020, 18.26.040, 18.26.070, and 18.26.090; and adding new sections to chapter 18.25 RCW."

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1958, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1958, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1958, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Murray - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1958, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574, by Committee on Revenue (originally sponsored by Representatives Wang, D. Sommers, Haugen and Nealey)

Authorizing cities and towns to impose an excise tax on brokered natural gas.

The bill was read the second time.

#### MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Due to a change in the federal regulations governing the sale of brokered natural gas, cities have lost significant revenues from the utility tax on natural gas. It is therefore the intent of the legislature to adjust the utility and use tax authority of the state and cities to maintain this revenue source for the municipalities and provide equality of taxation between intrastate and interstate transactions.

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

(1) The governing body of any city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose on every person a use tax for the privilege of using natural gas or manufactured gas in the city as a consumer.

(2) The tax shall be imposed in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the tax on natural gas businesses under RCW 35.21.870 in the city in which the article is used. The "value of the article used," does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

(3) The tax imposed under this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 35.21.870 with respect to the gas for which exemption is sought under this subsection.

(4) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

(5) The use tax hereby imposed shall be paid by the consumer. The administration and collection of the tax hereby imposed shall be pursuant to RCW 82.14.050.

**NEW SECTION.** Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a use tax for the privilege of using natural gas or manufactured gas within this state as a consumer.

(2) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020(1)(b). The "value of the article used" does not include any amounts that are paid for the hire or use of a gas distribution business as defined in RCW 82.16.010(7) in transporting the gas subject to tax under this subsection if those amounts are subject to tax under that chapter.

(3) The tax levied in this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 82.16.020(1)(b) with respect to the gas for which exemption is sought under this subsection.

(4) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 82.16.020(1)(b) by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

(5) The use tax hereby imposed shall be paid by the consumer to the department.

(6) There is imposed a reporting requirement on the person who delivered the gas to the consumer to make a quarterly report to the department. Such report shall contain the volume of gas delivered, name of the consumer to whom delivered, and such other information as the department shall require by rule.

(7) The department may adopt rules under chapter 34.05 RCW for the administration and enforcement of sections 1 through 6 of this act.

**NEW SECTION.** Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of natural or manufactured gas.

**NEW SECTION.** Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

The tax levied by RCW 82.12.020 shall not apply in respect to the use of natural or manufactured gas.

Sec. 6. Section 4, chapter 94, Laws of 1970 ex. sess. as amended by section 17, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.030 are each amended to read as follows:

(1) The governing body of any county or city while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose a sales and use tax in accordance with the terms of this chapter. Such tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the county or city as the case may be; PROVIDED, That except as provided in section 2 of this act, this sales and use tax shall not apply to natural or manufactured gas. The rate of such tax imposed by a county shall be five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax imposed by a city shall not exceed five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); PROVIDED, HOWEVER, That in the event a county shall impose a sales and use tax under this subsection, the rate of such tax imposed under this subsection by any city therein shall not exceed four hundred and twenty-five one-thousandths of one percent.

(2) Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in addition to the tax authorized in subsection (1) of this section, the governing body of any county or city may by resolution or ordinance impose an additional sales and use tax in accordance with the terms of this chapter. Such additional tax shall be collected upon the same taxable events upon which the tax imposed under subsection (1) of this section is levied. The rate of such additional tax imposed by a county shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such additional tax imposed by a city shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); PROVIDED HOWEVER, That in the event a county shall impose a sales and use tax under this subsection at a rate equal to or greater than the rate imposed under this subsection by a city within the county, the county shall receive fifteen percent of the city tax; PROVIDED FURTHER, That in the event that the county shall impose a sales and use tax



under this subsection at a rate which is less than the rate imposed under this subsection by a city within the county, the county shall receive that amount of revenues from the city tax equal to fifteen percent of the rate of tax imposed by the county under this subsection. The authority to impose a tax under this subsection is intended in part to compensate local government for any losses from the phase-out of the property tax on business inventories.

NEW SECTION. Sec. 7. This act shall take effect July 1, 1990."

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "gas;" strike the remainder of the title and insert "amending RCW 82.14.030; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.08 RCW; creating a new section; and providing an effective date."

#### MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1574, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1574, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1574, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Pullen - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, R. King, K. Wilson, Brumsickle, Haugen, Bowman, Locke, Jacobsen and Sayan)

Regulating the sale of valuable materials from state-owned tidelands and shorelands.

The bill was read the second time.

#### MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

On page 1, after line 4, insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.96 RCW to read as follows:

The commissioner of public lands and the director of the department of fisheries shall jointly appoint a geoduck advisory committee to advise the commissioner of public lands, the department of natural resources, and the department of fisheries, and to make recommendations regarding management of the geoduck program. The composition of the committee shall be balanced to ensure that all affected and interested parties are represented. All meetings of the committee shall be open to the public. The committee shall meet no less than four times per year. Committee members shall receive subsistence and travel expenses reimbursement under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. (1) The geoduck advisory committee shall review all aspects of the geoduck program, including but not limited to: (a) The accuracy of geoduck surveys; (b) all rules adopted by the departments relating to the geoduck program; (c) the marking of geoduck tracts; (d) lease, agreement, and bid procedures; (e) enforcement budget, enforcement personnel, and enforcement procedures; (f) market practices; (g) gear requirements; (h) funding for laboratory facilities and for research; (i) postharvest assessments of the effects of geoduck harvesting on the resource and on the environment; (j) multiyear harvest plans; (k)

methods to diversify and expand the industry; (l) review of income from the resource, the department of natural resources and the department of fisheries expenditures; and (m) methods to separate tract leases to provide better enforcement and a safer working environment.

(2) The geoduck advisory committee shall develop tract enforcement standards and tract safety standards and submit such standards to the legislature for review not later than January 1, 1990.

(3) The committee shall submit an annual report to the legislature not later than January 1 of each year."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources amendment on page 1, after line 4, to Substitute House Bill No. 1624.

The motion by Senator Metcalf carried and the committee amendment was adopted.

#### MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

On page 1, after line 4, insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.96 RCW to read as follows:

The department of natural resources is hereby directed to establish not less than two recreational geoduck harvesting areas of which:

(1) One area shall be withdrawn from the department's commercial harvesting tracts by authority of the commissioner of public lands at a location of the department's choosing; and

(2) One area shall be withdrawn from the department's commercial harvesting tracts by authority of the commissioner of public lands in the aquatic lands adjacent to the east side of Cooper Point, on Budd Inlet."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### POINT OF INQUIRY

Senator Amondson: "Senator Metcalf, do you know what a gooey duck call is like?"

Senator Metcalf: "No, Senator Amondson, I don't."

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources amendment on page 1, after line 4, to Substitute House Bill No. 1624.

The motion by Senator Metcalf carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "79.96.080;" insert "adding a new section to chapter 79.96 RCW: creating a new section:"

On page 1, line 3 of the title, after "79.96.080;" insert "adding a new section to chapter 79.96 RCW:"

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1624, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1624, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1624, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin,

McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1993, by Representatives Rasmussen, Nealey, Dorn, Rayburn, McLean, Baugher, Youngsman and Kremen

Specifying labeling requirements for uncooked poultry.

The bill was read the second time.

#### MOTION

On motion of Senator Barr, the rules were suspended, House Bill No. 1993 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1993.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1993 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Pullen, Smith, Vognlid - 3.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

HOUSE BILL NO. 1993, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1028 and the pending Committee on Environment and Natural Resources striking amendment, deferred April 12, 1989.

#### MOTION

Senator Owen moved that the following amendments to the Committee on Environment and Natural Resources amendment be considered simultaneously and be adopted:

On page 2, line 4 of the amendment, after "under" strike "seventy" and insert "((seventy)) sixty-five"

On page 2, line 29 of the amendment, after "under" strike "seventy" and insert "sixty-five"

On page 4, line 18 of the amendment, after "under" strike "seventy" and insert "sixty-five"

On page 5, line 29 of the amendment, after "under" strike "seventy" and insert "sixty-five"

On page 6, line 23 of the amendment, after "under" strike "seventy" and insert "sixty-five"

On page 7, line 7 of the amendment, after "residents" strike "seventy" and insert "sixty-five"

On page 11, line 35 of the amendment, after "persons" strike "seventy" and insert "sixty-five"

On page 14, line 23 of the amendment, after "resident" strike "seventy" and insert "((seventy)) sixty-five"

On page 16, line 6 of the amendment, after "sixteen" and before the period, insert "and persons age sixty-five or older"

On page 16, line 8 of the amendment, after "sixteen" insert "and persons age sixty-five or older"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Owen on pages 2, 4, 5, 6, 7, 11, 14 and 16 to the Committee on Environment and Natural Resources amendment to Engrossed Substitute House Bill No. 1028.

The motion by Senator Owen carried and the amendments to the committee amendment were adopted.

#### MOTION

Senator Sutherland moved that the following amendments to the Committee on Environment and Natural Resources amendment be considered simultaneously and be adopted:

- On page 2, line 7 of the amendment, strike "five" and insert "three"
- On page 2, line 10 of the amendment, strike "fifteen" and insert "nine"
- On page 2, line 35 of the amendment, strike "ten" and insert "nine"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Sutherland on page 2, lines 7, 10 and 35, to the Committee on Environment and Natural Resources amendment to Engrossed Substitute House Bill No. 1028.

The motion by Senator Sutherland carried and the amendments to the committee amendment were adopted.

#### MOTIONS

On motion of Senator Owen, the following amendments to the Committee on Environment and Natural Resources amendment were considered simultaneously and were adopted:

- On page 4, line 19 of the amendment, strike "and a nonresident under sixteen years of age."
- On page 5, line 31 of the amendment, after "nonresidents," insert "sixteen years of age or older,"

On motion of Senator Sutherland, the following amendment to the Committee on Environment and Natural Resources amendment was adopted:

- On page 4, line 23 of the amendment, strike "ten" and insert "nine"

On motion of Senator Owen, the following amendment to the Committee on Environment and Natural Resources amendment was adopted:

- On page 7, line 16 of the amendment, after "for" strike "the five preceding years" and insert "~~((five years))~~ the preceding ninety days"

On motion of Senator Sutherland, the following amendment to the Committee on Environment and Natural Resources amendment was adopted:

- On page 10, line 6 of the amendment, strike "issued" and insert "sold"

On motion of Senator Bender, the following amendment to the Committee on Environment and Natural Resources amendment was adopted:

- On page 14, after line 22 of the striking amendment, insert the following:

"(2) A person who is an honorably discharged veteran of the United States armed forces having a service-connected disability and whose service-connected disabilities have been established as permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive upon application a permanent fishing and hunting license without charge.

Disabled veterans applying for a free fishing and hunting license under this subsection shall provide the department with a copy of documents verifying the disability from the veterans administration.

Renumber the remaining subsections consecutively.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources amendment, as amended, to Engrossed Substitute House Bill No. 1028.

The Committee on Environment and Natural Resources amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

- On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, 75.25.160, 75.25.170, 77.32.005, 77.32.230, and 77.32.360; adding new sections to chapter 75.25 RCW; repealing RCW 75.25.020 and 75.25.125; and providing an effective date."

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1028, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senator Vognild was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1028, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1028, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Lee - 1.

Absent: Senators Hayner, Pullen - 2.

Excused: Senators DeJarnatt, Gaspard, Hansen, Vognild - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1520, by Representatives Walk, Schmidt, S. Wilson, Sayan, R. Fisher, Betzoff, R. King, Vekich, Haugen, H. Sommers, R. Meyers and Pruitt (by request of Marine Employees' Commission)

Changing provisions relating to salary surveys for ferry system employees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendments were considered simultaneously and were adopted:

On page 1, line 22, strike "east and"

On page 2, line 4, strike "east and"

On page 4, line 22, strike "east and"

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1520, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Fleming: "Senator Lee, I was noticing it says on the summary of the proposed Senate amendment, and I was off the floor, it says that east coast states are removed from the salary survey. Did you explain why that was the case? Did I miss that?"

Senator Lee: "I didn't explain. I just said that was the effect of the amendment. The reason--"

Senator Fleming: "Why?"

Senator Lee: "Why, because we were asked to and we agreed."

Senator Fleming: "By whom?"

Senator Lee: "By the Marine Employees Commission and the Marine Engineers Association."

Senator Fleming: "Oh, so the employee association and others who represent the employees asked that to be--"

Senator Lee: "That is correct and the Commission agreed that it probably wasn't necessary."

Senator Fleming: "Did they indicate why they thought that was necessary."

Senator Lee: "This is originally a House Bill. As to why the House put it in, I really have no idea. They just felt they would have a perfectly adequate survey if the east coast was removed."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1520, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1520, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Nelson - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED HOUSE BILL NO. 1520, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Miller, Spanel, Heavey, Wood, Belcher, Rector, Hankins, Anderson, O'Brien, R. King, Winsley, Jesernig, P. King, Pruitt, K. Wilson, Patrick, Leonard and Nutley)

Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.

The bill was read the second time.

#### MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate

athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION, Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

NEW SECTION, Sec. 4. (1) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1991-92 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1992-93 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION, Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1990, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION, Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, "underrepresented gender class" means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an "underrepresented gender class" in interscholastic athletics means female students or male students, where

the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

NEW SECTION. Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

NEW SECTION. Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW.

NEW SECTION. Sec. 9. This act shall expire on June 30, 1997."

Senator McDonald moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 5, line 2 of the amendment, after "(1)" insert "An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act for the 1990-1991 academic year only if the institution is a state institution that is required by the court order to achieve gender equity in athletic programs.

(2)\*

On page 5, line 14 of the amendment, strike "(2)" and insert "(3)"

On page 5, line 24 of the amendment, strike "(3)" and insert "(4)"

Debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "Senator McDonald, I really haven't had a chance to read the amendments here, and to put them back to the bill and to really understand what's going on here. Would your amendment then cause WSU to receive one percent for the Gender Equity Program?"

Senator McDonald: "Yes, Senator Smitherman, as you know, presently, there's a four percent waiver, so four percent of the revenues collected through tuition can be waived in order to give a scholarship to various and sundry categories. What we are doing now is saying that there will be five percent waived and that will start for all schools—all four-year institutions—in the next biennium starting in 1991. If you adopt my amendments, then you will be starting it for those schools under court order, which is WSU, in the second year of this coming biennium, and that's the substance of the amendment."

Senator Smitherman: "Senator McDonald, would that mean the other schools would not get any percentage?"

Senator McDonald: "They will have to wait until the biennium following this one—the 91-93 biennium—then all four year institutions will receive the same."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 5, lines 2, 14 and 24, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 2020.

The motion by Senator McDonald carried and the amendments to the committee amendment were adopted.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 2020.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "equity," strike the remainder of the title and insert "amending RCW 28B.15.740: adding new sections to chapter 28B.15 RCW; creating a new section; and providing an expiration date."

On motion of Senator Saling, the rules were suspended, Engrossed Substitute House Bill No. 2020, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2020, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2020, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2118, by Representatives Dorn, Brumsickle, G. Fisher and K. Wilson

Expanding coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates.

The bill was read the second time.

## MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 2118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2118.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2118 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Rinehart - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

HOUSE BILL NO. 2118, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1157, by Representatives Holland, Peery, Betrozoff, Ferguson, Cole, Fuhrman, Jones, Walker, Pruitt, Schoon, Rayburn, Winsley, Ebersole, Nealey, Leonard, Brumsickle, May, Prentice, Horn, Rasmussen, Wineberry, Miller, Grant, Anderson, Dorn, Bowman, Moyer and Spanel

Exempting vocational-technical institutes from competitive bidding in the case of sole source suppliers.

The bill was read the second time.

## MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 3, line 12, after "(6)" strike all material through ", on line 18, and insert "A school district board of directors may waive the requirements of this section for a public vocational-technical institute under its jurisdiction for purchases by the vocational-technical institute which are clearly and legitimately limited to a single source of supply and for purchases by the vocational-technical institute involving special facilities, services, or market conditions. The vocational-technical institute shall submit to the school district board a written request for the waiver. A school district board may provide waivers for specified periods of time or particular items, or both."

On motion of Senator Bailey, the rules were suspended, House Bill No. 1157, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1157, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1157, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

HOUSE BILL NO. 1157, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1182, by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips (by request of Director of Ecology)

Revising local government roles in hazardous waste siting.

The bill was read the second time.

#### MOTIONS

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

On page 2, after line 35, insert the following:

"Sec. 2. Section 5, chapter 448, Laws of 1985 and RCW 70.105.210 are each amended to read as follows:

By (~~December 31, 1986~~) May 31, 1990, the department shall develop and adopt criteria for the siting of hazardous waste management facilities. These criteria will be part of the state hazardous waste management plan as described in RCW 70.105.200. To the extent practical, these criteria shall be designed to minimize the short-term and long-term risks and costs that may result from hazardous waste management facilities. These criteria may vary by type of facilities and may consider natural site characteristics and engineered protection. Criteria may be established for:

- (1) Geology;
- (2) Surface and groundwater hydrology;
- (3) Soils;
- (4) Flooding;
- (5) Climatic factors;
- (6) Unique or endangered flora and fauna;
- (7) Transportation routes;
- (8) Site access;
- (9) Buffer zones;
- (10) Availability of utilities and public services;
- (11) Compatibility with existing uses of land;
- (12) Shorelines and wetlands;
- (13) Sole-source aquifers;
- (14) Natural hazards; and
- (15) Other factors as determined by the department."

On motion of Senator Madsen, the following amendment to the Committee on Environment and Natural Resources amendment was adopted:

On page 1, line 14 of the committee amendment, after "facilities" insert "including sludge disposal sites"

#### MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 1182 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, by Committee on Human Services (originally sponsored by Representative Brekke)

Revising treatment of alcoholism and other drug addiction.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following amendment by Senators Matson and West was adopted:

On page 3, line 10, following "~~department~~" strike all of subsection 8. Renumber the remaining subsections accordingly

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1619, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1619, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2155, by Representatives Appelwick and P. King

Making changes to the parenting act.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 28, after line 20, insert the following:

NEW SECTION, Sec. 33. A new section is added to chapter 43.131 RCW to read as follows: The parenting act of 1987 shall be terminated on June 30, 1992, as provided in section 34 of this act. The judicial council shall undertake a study of the parenting act of 1987 and shall report its findings to the legislature prior to January 1, 1992.

NEW SECTION, Sec. 34. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of act, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

- (1) Section 2, chapter 460, Laws of 1987 and RCW 26.09.002;
- (2) Section 3, chapter 460, Laws of 1987 and RCW 26.09.004;
- (3) Section 1, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 32, Laws of 1975, section 1, chapter 460, Laws of 1987, section 1, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.010;
- (4) Section 4, chapter 157, Laws of 1973 1st ex. sess., section 2, chapter 32, Laws of 1975, section 4, chapter 460, Laws of 1987 and RCW 26.09.040;
- (5) Section 5, chapter 157, Laws of 1973 1st ex. sess., section 5, chapter 460, Laws of 1987, section 31, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.050;
- (6) Section 7, chapter 157, Laws of 1973 1st ex. sess., section 6, chapter 460, Laws of 1987, section 4, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.070;
- (7) Section 11, chapter 157, Laws of 1973 1st ex. sess., section 11, chapter 460, Laws of 1987 and RCW 26.09.110;
- (8) Section 16, chapter 157, Laws of 1973 1st ex. sess., section 12, chapter 460, Laws of 1987 and RCW 26.09.160;

(9) Section 7, chapter 460, Laws of 1987, section 9, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.181;

(10) Section 8, chapter 460, Laws of 1987, section 10, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.184;

(11) Section 9, chapter 460, Laws of 1987, section 11, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.187;

(12) Section 10, chapter 460, Laws of 1987, section 12, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.191;

(13) Section 13, chapter 460, Laws of 1987 and RCW 26.09.194;

(14) Section 14, chapter 460, Laws of 1987 and RCW 26.09.197;

(15) Section 21, chapter 157, Laws of 1973 1st ex. sess., section 15, chapter 460, Laws of 1987 and RCW 26.09.210;

(16) Section 22, chapter 157, Laws of 1973 1st ex. sess., section 16, chapter 460, Laws of 1987, section 13, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.220;

(17) Section 17, chapter 460, Laws of 1987, section 8, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.225;

(18) Section 24, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 271, Laws of 1977 ex. sess., section 18, chapter 460, Laws of 1987, section 14, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.240;

(19) Section 6, chapter 95, Laws of 1984, section 22, chapter 460, Laws of 1987 and RCW 26.09.255;

(20) Section 26, chapter 157, Laws of 1973 1st ex. sess., section 19, chapter 460, Laws of 1987, section 15, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.260;

(21) Section 28, chapter 157, Laws of 1973 1st ex. sess., section 4, chapter 32, Laws of 1975, section 20, chapter 460, Laws of 1987 and RCW 26.09.280;

(22) Section 21, chapter 460, Laws of 1987, section 17, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.285;

(23) Section 23, chapter 460, Laws of 1987, section 18, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.907;

(24) Section 24, chapter 460, Laws of 1987, section 19, chapter \_\_\_\_, Laws of 1989 and RCW 26.09.909;

(25) Section 57, chapter 460, Laws of 1987 and RCW 26.09.910;

(26) Section 58, chapter 460, Laws of 1987 and RCW 26.09.911;

(27) Section 59, chapter 460, Laws of 1987 and RCW 26.09.912;

(28) Section 60, chapter 460, Laws of 1987 and RCW 26.09.913;

(29) Section 25, chapter 460, Laws of 1987 and RCW 26.10.010;

(30) Section 26, chapter 460, Laws of 1987 and RCW 26.10.020;

(31) Section 27, chapter 460, Laws of 1987 and RCW 26.10.030;

(32) Section 28, chapter 460, Laws of 1987, section 33, chapter \_\_\_\_, Laws of 1989 and RCW 26.10.040;

(33) Section 29, chapter 460, Laws of 1987 and RCW 26.10.050;

(34) Section 30, chapter 460, Laws of 1987, section 20, chapter \_\_\_\_, Laws of 1989 and RCW 26.10.060;

(35) Section 31, chapter 460, Laws of 1987, section 21, chapter \_\_\_\_, Laws of 1989 and RCW 26.10.070;

(36) Section 35, chapter 460, Laws of 1987 and RCW 26.10.080;

(37) Section 36, chapter 460, Laws of 1987 and RCW 26.10.090;

(38) Section 38, chapter 460, Laws of 1987, section 23, chapter \_\_\_\_, Laws of 1989 and RCW 26.10.100;

(39) Section 39, chapter 460, Laws of 1987 and RCW 26.10.110;

(40) Section 40, chapter 460, Laws of 1987 and RCW 26.10.120;

(41) Section 41, chapter 460, Laws of 1987 and RCW 26.10.130;

(42) Section 42, chapter 460, Laws of 1987 and RCW 26.10.140;

(43) Section 43, chapter 460, Laws of 1987 and RCW 26.10.150;

(44) Section 44, chapter 460, Laws of 1987 and RCW 26.10.160;

(45) Section 45, chapter 460, Laws of 1987 and RCW 26.10.170;

(46) Section 46, chapter 460, Laws of 1987, section 22, chapter \_\_\_\_, Laws of 1989 and RCW 26.10.180;

(47) Section 47, chapter 460, Laws of 1987, section 26, chapter \_\_\_\_, Laws of 1989 and RCW 26.10.190;

(48) Section 48, chapter 460, Laws of 1987 and RCW 26.10.200;

(49) Section 49, chapter 460, Laws of 1987 and RCW 26.10.210; and

(50) Section 50, chapter 460, Laws of 1987 and RCW 26.10.220."

Renumber remaining sections consecutively

There being no objection, the Vice President Pro Tempore deferred further consideration of Engrossed House Bill No. 2155.

## MOTION

On motion of Senator Bender, Senator Moore was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Miller, Spanel, Belcher, Brough, G. Fisher, Peery, Cole, Van Luven, Appelwick, Locke, R. King, K. Wilson, Anderson, Ebersole, Grant, Hine, Holland, Kremen, Wineberry, Wang, Wood, Leonard, Prentice, Pruitt, Dellwo, Basich, Dorn, Brekke, Morris, Todd and Phillips)

Requiring gender equality in higher education.

The bill was read the second time.

## MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Substitute House Bill No. 1430 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1430.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1430 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Gaspard, Hansen, Moore - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1455, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, Heavey and Brough)

Authorizing local elections in single district courts with multiple courtrooms.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1455 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1455.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1455 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1455, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1956, by Committee on Human Services (originally sponsored by Representatives Winsley, Brekke, Heavey, Leonard, Moyer, Bristow, Padden, Ebersole, Anderson and Youngsman)

Revising and adding provisions on adoption.

The bill was read the second time.

## MOTIONS

On motion of Senator Smith, the following Committee on Children and Family Services amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** A new section is added to chapter 26.33 RCW to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) An attorney licensed to practice in Washington state; or

(c) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or an attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

(3) Any such person or entity who places or causes such advertisement as prohibited in subsection (2) of this section shall be guilty of a misdemeanor.

**NEW SECTION, Sec. 2.** Nothing in section 1 of this act applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of section 1 of this act."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "adding a new section to chapter 26.33 RCW; creating a new section; and prescribing penalties."

## MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1956, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1956, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2155, deferred earlier today after the Committee on Law and Justice amendment on page 28, line 20, was adopted.

#### MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after line 11 and insert the following:

\*Sec. 1. Section 1, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 460, Laws of 1987 and RCW 26.09.010 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of ..... and ....." Such proceeding may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of ....."

(4) The initial pleading in all proceedings (~~for dissolution of marriage~~) under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

Sec. 2. Section 4, chapter 95, Laws of 1986 and RCW 26.09.015 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the (~~custody or visitation~~) dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

(6) This section shall not apply to postdecree mediation required pursuant to a parenting plan.

Sec. 3. Section 2, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.020 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

(a) The last known residence of each party;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the (~~custody, visitation~~) residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of social and health services.

Sec. 4. Section 7, chapter 157, Laws of 1973 1st ex. sess. as amended by section 6, chapter 460, Laws of 1987 and RCW 26.09.070 are each amended to read as follows:

(1) The parties to a marriage, in order to promote the amicable settlement of disputes attendant upon their separation or upon the filing of a petition for dissolution of their marriage, a decree of legal separation, or declaration of invalidity of their marriage, may enter into a written separation contract providing for the maintenance of either of them, the disposition of any property owned by both or either of them, the parenting plan and support for their children and for the release of each other from all obligation except that expressed in the contract.

(2) If the parties to such contract elect to live separate and apart without any court decree, they may record such contract and cause notice thereof to be published in a legal newspaper of the county wherein the parties resided prior to their separation. Recording such contract and publishing notice of the making thereof shall constitute notice to all persons of such separation and of the facts contained in the recorded document.

(3) If either or both of the parties to a separation contract shall at the time of the execution thereof, or at a subsequent time, petition the court for dissolution of their marriage, for a decree of legal separation, or for a declaration of invalidity of their marriage, the contract, except for those terms providing for a parenting plan for their children, shall be binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties on their own motion or on request of the court, that the separation contract was unfair at the time of its execution. Child support may be included in the separation contract and shall be reviewed in the subsequent proceeding for compliance with RCW 26.19.020.

(4) If the court in an action for dissolution of marriage, legal separation, or declaration of invalidity finds that the separation contract was unfair at the time of its execution, it may make orders for the maintenance of either party, the disposition of their property and the discharge of their obligations.

(5) Unless the separation contract provides to the contrary, the agreement shall be set forth in the decree of dissolution, legal separation, or declaration of invalidity, or filed in the action or made an exhibit and incorporated by reference, except that in all cases the terms of the parenting plan shall be set out in the decree, and the parties shall be ordered to comply with its terms.

(6) Terms of the contract set forth or incorporated by reference in the decree may be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.

(7) When the separation contract so provides, the decree may expressly preclude or limit modification of any provision for maintenance set forth in the decree. Terms of a separation contract pertaining to ~~((a))~~ a parenting plan for the children and, in the absence of express provision to the contrary, terms providing for maintenance set forth or incorporated by reference in the decree are automatically modified by modification of the decree.

(8) If at any time the parties to the separation contract by mutual agreement elect to terminate the separation contract they may do so without formality unless the contract was recorded as in subsection (2) of this section, in which case a statement should be filed terminating the contract.

Sec. 5. Section 8, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.080 are each amended to read as follows:

In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

- (1) The nature and extent of the community property;
- (2) The nature and extent of the separate property;
- (3) The duration of the marriage; and

(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse ~~((having custody of any children))~~ with whom the children reside the majority of the time.

Sec. 6. Section 9, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.090 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

(a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him, and his ability to meet his needs independently, including



the extent to which a provision for support of a child living with the party includes a sum for that party (~~(as custodian)~~):

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his skill, interests, style of life, and other attendant circumstances;

(c) The standard of living established during the marriage;

(d) The duration of the marriage;

(e) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

(f) The ability of the spouse from whom maintenance is sought to meet his needs and financial obligations while meeting those of the spouse seeking maintenance.

Sec. 7. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 275, Laws of 1988 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined pursuant to the schedule adopted under RCW 26.19.040. The court may require ~~(annual)~~ periodic adjustments of support ~~(based upon changes in a party's income or the child's needs, or based upon changes in the child support schedule)~~.

Sec. 8. Section 7, chapter 460, Laws of 1987 and RCW 26.09.181 are each amended to read as follows:

(1) SUBMISSION OF PROPOSED PLANS. ~~(The petition and the response shall contain a proposed parenting plan where there are minor children of the parties. Where the petition or the response does not contain a proposed permanent parenting plan, the party who has filed a proposed permanent parenting plan may move for a default.)~~ (a) In any proceeding under this chapter, except a modification, each party shall file and serve a proposed permanent parenting plan on or before the earliest date of:

(i) Thirty days after filing and service by either party of a notice for trial; or

(ii) One hundred eighty days after commencement of the action which one hundred eighty day period may be extended by stipulation of the parties.

(b) In proceedings for a modification of custody or a parenting plan, a proposed parenting plan shall be filed and served with the motion for modification and with the response to the motion for modification.

(c) No proposed permanent parenting plan shall be required after filing of an agreed permanent parenting plan, after entry of a final decree, or after dismissal of the cause of action.

(d) A party who files a proposed parenting plan in compliance with this section may move the court for an order of default adopting that party's parenting plan if the other party has failed to file a proposed parenting plan as required in this section.

(2) AMENDING PROPOSED PARENTING PLANS. Either party may file and serve an amended proposed permanent parenting plan according to the rules for amending pleadings.

(3) GOOD FAITH PROPOSAL. The parent submitting a proposed parenting plan shall attach a verified statement that the plan is proposed by that parent in good faith.

(4) AGREED PERMANENT PARENTING PLANS. The parents may make an agreed permanent parenting plan.

~~((4))~~ (5) MANDATORY SETTLEMENT CONFERENCE. Where mandatory settlement conferences are provided under court rule, the parents shall attend a mandatory settlement conference. The mandatory settlement conference shall be presided over by a judge or a court commissioner, who shall apply the criteria in RCW 26.09.187 and 26.09.191. The parents shall in good faith review the proposed terms of the parenting plans and any other issues relevant to the cause of action with the presiding judge or court commissioner. Facts and legal issues that are not then in dispute shall be entered as stipulations for purposes of final hearing or trial in the matter.

~~((5))~~ (6) TRIAL SETTING. Trial dates for actions involving minor children brought under this chapter shall receive priority.

(7) ENTRY OF FINAL ORDER. The final order or decree shall be entered not sooner than ninety days after filing and service.

(8) This section does not apply to decrees of legal separation.

Sec. 9. Section 8, chapter 460, Laws of 1987 and RCW 26.09.184 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their ~~((dependent))~~ minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child ~~((and financial support for the child consistent with the criteria in RCW 26.09.187 and 26.09.191))~~.

(3) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In ~~((setting forth a))~~ the dispute resolution process ~~((the permanent parenting plan shall state that))~~:

(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent; ~~((and~~

~~(d)))~~ (e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

(4) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) ~~((The plan shall state that:~~

~~(b)))~~ Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent~~((:))~~.

~~(((((c)))~~ (c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

(5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each ~~((dependent))~~ minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

(6) ~~((CHILD SUPPORT. Provision shall be made for the financial support of the child in accordance with RCW 26.09.100, 26.09.130, and 26.09.135. The provision shall state the identity of the child for whom support is paid, the amount of support to be paid and by whom, provision for medical and dental insurance consistent with RCW 26.09.105, notice regarding mandatory wage assignments as required by RCW 26.09.135, and the terms under which the support obligation terminates:~~

~~(7) The plan shall state that))~~ PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan, the other parent's obligations under the parenting plan are not affected.

(7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections (3) (a) through (c), (4) (b) and (c), and (6) of this section.

Sec. 10. Section 9, chapter 460, Laws of 1987 and RCW 26.09.187 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, ~~((#))~~ when it finds that any limiting factor under RCW 26.09.191 applies, or ~~((#))~~ when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) **AGREEMENTS BETWEEN THE PARTIES.** The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(4)(a), ~~((where))~~ when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) **SOLE DECISION-MAKING AUTHORITY.** The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) **MUTUAL DECISION-MAKING AUTHORITY.** Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) **RESIDENTIAL PROVISIONS.**

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities; ~~((and))~~

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under RCW 26.09.191;

(ii) (A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or

(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child.

~~((c) One household shall be designated the child's residence solely for purposes of jurisdiction, venue, and child support:))~~

Sec. 11. Section 10, chapter 460, Laws of 1987 and RCW 26.09.191 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an

extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm, unless the court expressly finds that the probability that the conduct will recur is so remote that it would not be in the child's best interests to apply the limitation or unless it is shown not to have had an impact on the child. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 12. Section 22, chapter 157, Laws of 1973 1st ex. sess. as amended by section 16, chapter 460, Laws of 1987 and RCW 26.09.220 are each amended to read as follows:

(1) ~~((In contested custody proceedings, and in other proceedings if a party so requests;))~~ The court may order an investigation and report concerning parenting arrangements for the child ((in an action for dissolution of marriage, legal separation, or declaration of invalidity)). The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

Sec. 13. Section 24, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 18, chapter 460, Laws of 1987 and RCW 26.09.240 are each amended to read as follows:

The court may order visitation rights for ~~((any))~~ a person other than a parent when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

((Any)) A person other than a parent may petition the court for visitation rights at any time. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child.

Sec. 14. Section 26, chapter 157, Laws of 1973 1st ex. sess. as amended by section 19, chapter 460, Laws of 1987 and RCW 26.09.260 are each amended to read as follows:

(1) The court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the ~~((parents))~~ nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. In applying

these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

- (a) The parents agree to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan; or
- (c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 15. Section 27, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.270 are each amended to read as follows:

A party seeking a temporary custody order or a temporary parenting plan or modification of a custody decree or parenting plan shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

Sec. 16. Section 21, chapter 460, Laws of 1987 and RCW 26.09.285 are each amended to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, ~~((the court))~~ a parenting plan shall designate ~~((in a parenting plan one parent))~~ the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child ~~((resides))~~ is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 17. Section 23, chapter 460, Laws of 1987 and RCW 26.09.907 are each amended to read as follows:

Notwithstanding the repeals of prior laws, actions which were properly and validly pending in the superior courts of this state as of January 1, 1988, shall not be governed ~~((and may be pursued to conclusion under the provisions of law applicable thereto at the time of commencement of such action and all decrees and orders heretofore or hereafter in all other respects regularly entered in such proceedings are declared valid))~~ by chapter 460, Laws of 1987 but shall be governed by the provisions of law in effect on December 31, 1987.

Sec. 18. Section 24, chapter 460, Laws of 1987 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. An action to modify any decree involving child custody, visitation, child support, or a parenting plan which was commenced after December 31, 1987, shall be governed by the 1987 revisions to this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

Sec. 19. Section 30, chapter 460, Laws of 1987 and RCW 26.10.060 are each amended to read as follows:

In entering or modifying a custody order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

- (1) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and
- (2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

Sec. 20. Section 31, chapter 460, Laws of 1987 and RCW 26.10.070 are each amended to read as follows:

The court may appoint an attorney to represent the interests of a minor or dependent child with respect to custody, support, and visitation. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against ~~((either or both parents))~~ any or all parties, except that, if ~~((both))~~ all parties are indigent, the costs, fees, and disbursements shall be borne by the county.

Sec. 21. Section 46, chapter 460, Laws of 1987 and RCW 26.10.180 are each amended to read as follows:

A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative who, with intent to deny access to a child by another relative of the child who has a right to physical custody of or visitation with the child, takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

Sec. 22. Section 8, chapter 50, Laws of 1949 and RCW 26.12.080 are each amended to read as follows:

Whenever ~~((any judge))~~ the court before whom any matter arising under this chapter is pending, deems publication of any matter before the court contrary to public policy or injurious to the interests of children or to the public morals, ~~((he))~~ the court may by order close the files or any part thereof in the matter and make such other orders to protect the privacy of the parties as is necessary.

Sec. 23. Section 14, chapter 42, Laws of 1975-'76 2nd ex. sess. as last amended by section 56, chapter 460, Laws of 1987 and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, ~~((the custody and guardianship of the child, visitation privileges with the child;))~~ the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: PROVIDED HOWEVER, That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) The needs of the child;
- (b) The standard of living and circumstances of the parents;
- (c) The relative financial means of the parents;
- (d) The earning ability of the parents;
- (e) The need and capacity of the child for education, including higher education;
- (f) The age of the child;
- (g) The responsibility of the parents for the support of others; and
- (h) The value of services contributed by the custodial parent.

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 24. Section 47, chapter 460, Laws of 1987 and RCW 26.10.190 are each amended to read as follows:

(1) The court shall not modify a prior custody ~~((order))~~ decree unless it finds, upon the basis of facts that have arisen since the prior ~~((order))~~ decree or that were unknown to the court at the time of the prior ~~((order))~~ decree, that a change has occurred in the circumstances of the

child or the custodian and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the custodian established by the prior ~~((order))~~ decree unless:

- (a) The custodian agrees to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the custodian; or
- (c) The child's present environment is detrimental to his or her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior custody ~~((order))~~ decree has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian against the petitioner.

**NEW SECTION.** Sec. 25. A new section is added to chapter 26.26 RCW to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

**NEW SECTION.** Sec. 26. A new section is added to chapter 26.50 RCW to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 27. Section 12, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 363, Laws of 1987 and by section 15, chapter 435, Laws of 1987 and RCW 26.09.120 are each reenacted and amended to read as follows:

(1) The court shall order support ~~((and maintenance))~~ payments, and order spousal maintenance payments if child support is ordered, to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in RCW 26.23.050.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments.

(3) If support payments, under orders entered prior to January 1, 1988, or if maintenance payments, as provided in subsection (2) of this section, are made to the clerk of court, the clerk:

(a) Shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order(;

~~(;);~~

~~(b) May by local court rule accept only certified funds or cash as payment~~~~((in all cases, the clerk)); and~~

~~(c) Shall accept only certified funds or cash for five years in all cases~~ after one check has been returned for nonsufficient funds or account closure.

(4) The parties affected by the order shall inform the registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 28. Section 3, chapter 263, Laws of 1984 as last amended by section 1, chapter 71, Laws of 1987 and RCW 26.50.020 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(2) The courts defined in RCW 26.50.010(3) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents ~~((a child custody or visitation issue))~~ issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing

court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(3) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(4) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

Sec. 29. Section 5, chapter 157, Laws of 1973 1st ex. sess. as amended by section 5, chapter 460, Laws of 1987 and RCW 26.09.050 are each amended to read as follows:

In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party ~~((entitled to such a change))~~.

Sec. 30. Section 15, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.150 are each amended to read as follows:

A decree of dissolution of marriage, legal separation, or declaration of invalidity is final when entered, subject to the right of appeal. An appeal which does not challenge the finding that the marriage is irretrievably broken or was invalid, does not delay the finality of the dissolution or declaration of invalidity and either party may remarry pending such an appeal.

No earlier than six months after entry of a decree of legal separation, on motion of either party, the court shall convert the decree of legal separation to a decree of dissolution of marriage. The clerk of court shall complete the certificate as provided for in RCW 70.58.200 on the form provided by the department of social and health services. On or before the tenth day of each month, the clerk of the court shall forward to the state registrar of vital statistics the certificate of each decree of divorce, dissolution of marriage, annulment, or separate maintenance granted during the preceding month.

~~((Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order a former name restored and may, on motion of either party, for just and reasonable cause, order the wife to assume a name other than that of the husband))~~ Upon request of a party whose marriage is dissolved or declared invalid, the court shall order a former name restored or the court may, in its discretion, order a change to another name.

Sec. 31. Section 28, chapter 460, Laws of 1987 and RCW 26.10.040 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

- (1) Child custody, visitation, and the support of any child entitled to support;
- (2) The allocation of the children as a federal tax exemption; and
- (3) Any necessary continuing restraining orders.

NEW SECTION. Sec. 32. A new section is added to chapter 26.10 RCW to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.



(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 34. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pullen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 26.09.010, 26.09.015, 26.09.020, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.181, 26.09.184, 26.09.187, 26.09.191, 26.09.220, 26.09.240, 26.09.260, 26.09.270, 26.09.285, 26.09.907, 26.09.909, 26.10.060, 26.10.070, 26.10.180, 26.12.080, 26.26.130, 26.10.190, 26.50.020, 26.09.050, 26.09.150, and 26.10.040; reenacting and amending RCW 26.09.120; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 26.10 RCW; and declaring an emergency."

On page 28, line 3 of the title amendment after "26.10 RCW;" insert "adding new sections to chapter 43.131 RCW;"

#### MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 2155, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2155, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2155, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amundson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCasin,

McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Barr, Nelson - 2.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED HOUSE BILL NO. 2155, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1983, by Committee on Judiciary (originally sponsored by Representatives Appelwick, P. King and Crane)

Revising laws on contempt of court.

The bill was read the second time.

## MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The definitions in this section apply throughout this chapter:

(1) "Contempt of court" means intentional:  
(a) Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial proceedings;

(b) Disobedience of any lawful judgment, decree, order, or process of the court;

(c) Refusal as a witness to appear, be sworn, or, without lawful authority, to answer a question; or

(d) Refusal, without lawful authority, to produce a record, document, or other object.

(2) "Punitive sanction" means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court.

(3) "Remedial sanction" means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.

**NEW SECTION.** Sec. 2. A judge or commissioner of the supreme court, the court of appeals, or the superior court, and a judge of a court of limited jurisdiction may impose a sanction for contempt of court under this chapter.

**NEW SECTION.** Sec. 3. (1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in section 5 of this act, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in section 1(1)(b) through (d) of this act. The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

**NEW SECTION.** Sec. 4. (1) Except as otherwise provided in section 5 of this act, a punitive sanction for contempt of court may be imposed only pursuant to this section.

(2)(a) An action to impose a punitive sanction for contempt of court shall be commenced by a complaint or information filed by the prosecuting attorney or city attorney charging a person with contempt of court and reciting the punitive sanction sought to be imposed.

(b) If there is probable cause to believe that a contempt has been committed, the prosecuting attorney or city attorney may file the information or complaint on his or her own initiative or at the request of a person aggrieved by the contempt.

(c) A request that the prosecuting attorney or the city attorney commence an action under this section may be made by a judge presiding in an action or proceeding to which a contempt relates. If required for the administration of justice, the judge making the request may

appoint a special counsel to prosecute an action to impose a punitive sanction for contempt of court.

A judge making a request pursuant to this subsection shall be disqualified from presiding at the trial.

(d) If the alleged contempt involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial of the contempt unless the person charged consents to the judge presiding at the trial.

(2) The court may hold a hearing on a motion for a remedial sanction jointly with a trial on an information or complaint seeking a punitive sanction.

(3) A punitive sanction may be imposed for past conduct that was a contempt of court even though similar present conduct is a continuing contempt of court.

(4) If the defendant is found guilty of contempt of court under this section, the court may impose for each separate contempt of court a fine of not more than five thousand dollars or imprisonment in the county jail for not more than one year, or both.

NEW SECTION, Sec. 5. (1) The judge presiding in an action or proceeding may summarily impose either a remedial or punitive sanction authorized by this chapter upon a person who commits a contempt of court within the courtroom if the judge certifies that he or she saw or heard the contempt. The judge shall impose the sanctions immediately after the contempt of court or at the end of the proceeding and only for the purpose of preserving order in the court and protecting the authority and dignity of the court. The person committing the contempt of court shall be given an opportunity to speak in mitigation of the contempt unless compelling circumstances demand otherwise. The order of contempt shall recite the facts, state the sanctions imposed, and be signed by the judge and entered on the record.

(2) A court, after a finding of contempt of court in a proceeding under subsection (1) of this section may impose for each separate contempt of court a punitive sanction of a fine of not more than five hundred dollars or imprisonment in the county jail for not more than thirty days, or both, or a remedial sanction set forth in section 3(3) of this act. A forfeiture imposed as a remedial sanction under this subsection may not exceed more than five hundred dollars for each day the contempt continues.

NEW SECTION, Sec. 6. A state administrative agency conducting an action or proceeding or a party to the action or proceeding may petition the superior court in the county in which the action or proceeding is being conducted for a remedial sanction specified in section 3 of this act for conduct specified in section 1 of this act in the action or proceeding.

NEW SECTION, Sec. 7. A party in a proceeding or action under this chapter may seek appellate review under applicable court rules. Appellate review does not stay the proceedings in any other action, suit, or proceeding, or any judgment, decree, or order in the action, suit, or proceeding to which the contempt relates.

Sec. 8. Section 301, page 188, Laws of 1854 as last amended by section 399, Code of 1881 and RCW 5.56.061 are each amended to read as follows:

~~((Such)) A failure to attend as required by the subpoena, shall also be considered a contempt ((and upon due proof, the witness may be punished by a fine not exceeding fifty dollars, and stand committed until said fine and costs are paid or until discharged by due course of law)) of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act).~~

Sec. 9. Section 14, chapter 141, Laws of 1988 and RCW 7.43.110 are each amended to read as follows:

An intentional violation of a restraining order, preliminary injunction, or order of abatement under this chapter is ~~((punishable as))~~ a contempt of court ~~((by a fine of not more than ten thousand dollars which may not be waived, or by imprisonment for not more than one year, or by both))~~ as provided in chapter 7.-- RCW (sections 1 through 7 of this act).

Sec. 10. Section 15, chapter 141, Laws of 1988 and RCW 7.43.120 are each amended to read as follows:

Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest in the building or unit has been ~~((guilty of a))~~ found in contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the extent of the owner's interest. The lien is enforceable and collectible by execution issued by order of the court.

Sec. 11. Section 4, chapter 127, Laws of 1913 as amended by section 16, chapter 1, Laws of 1979 and RCW 7.48.080 are each amended to read as follows:

~~((in case of the))~~ A violation of any injunction granted under ~~((the provisions of))~~ RCW 7.48.050 through 7.48.100 ~~((as now or hereafter amended, the court or judge may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause an attachment to issue, under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months.~~

~~or by both fine and imprisonment)) is a contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act).~~

Sec. 12. Section 24, chapter 456, Laws of 1987 and RCW 7.80.160 are each amended to read as follows:

(1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction (~~(-PROVIDE, That)~~). A written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in (~~(civil)~~) contempt of court (~~(after notice and hearing)~~) as provided in chapter 7.— RCW (sections 1 through 7 of this act).

Sec. 13. Section 3, chapter 96, Laws of 1975-76 2nd ex. sess. and RCW 10.01.180 are each amended to read as follows:

(1) (~~(When)~~) A defendant sentenced to pay a fine or costs who defaults in the payment thereof or of any installment (~~(-the court on motion of the prosecuting attorney or upon its own motion may require him to show cause why his default should not be treated as)~~) is in contempt of court (~~(-and)~~) as provided in chapter 7.— RCW (sections 1 through 7 of this act). The court may issue a (~~(show cause citation or a)~~) warrant of arrest for his appearance.

(2) (~~(Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or costs, or a specified part thereof, is paid:~~

~~(3))~~) When a fine or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or costs from those assets, and his failure to do so may be held to be contempt (~~(unless he makes the showing required in subsection (2) of this section)~~).

~~((4) The)~~ (3) If a term of imprisonment for contempt for nonpayment of a fine or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the fine or costs, thirty days if the fine or assessment of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of a fine or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

~~((5))~~ (4) If it appears to the satisfaction of the court that the default in the payment of a fine or costs is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or costs or the unpaid portion thereof in whole or in part.

~~((6))~~ (5) A default in the payment of a fine or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or costs shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or costs has actually been collected.

Sec. 14. Section 12, chapter 280, Laws of 1987 and RCW 10.14.120 are each amended to read as follows:

Any willful disobedience by the respondent of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter (~~(shall)~~) subjects the respondent to criminal penalties under this chapter. Any respondent who willfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter (~~(7-20)~~) 7.— RCW (sections 1 through 7 of this act).

Sec. 15. Section 11.64.022, chapter 145, Laws of 1965 as amended by section 16, chapter 234, Laws of 1977 ex. sess. and RCW 11.64.022 are each amended to read as follows:

If the surviving partner or partners fail or refuse to furnish an inventory or list of liabilities, to permit an appraisal, or to account to the personal representative, or to furnish a bond when required pursuant to RCW 11.64.016, (~~(said)~~) the court shall order a citation to issue requiring the surviving partner or partners to appear and show cause why they have not furnished an inventory list of liabilities, or permitted an appraisal or why they should not account to the personal representative or file a bond. The citation shall be served not less than ten days before the return day designated therein, or such shorter period as the court upon a showing of good cause deems appropriate. If the surviving partner or partners neglect or refuse to file an inventory or list of liabilities, or to permit an appraisal, or fail to account to the court or to file a bond, after they have been directed to do so, they may be punished for a contempt (~~(or the court may commit them to jail until they comply with the order of the)~~) of court as provided in chapter 7.— RCW (sections 1 through 7 of this act). Where the surviving partner or partners fail to file a bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate with like powers and duties of receivers in equity, and order the costs

and expenses of the proceedings to be paid out of the partnership estate or out of the estate of the decedent, or by the surviving partner or partners personally, or partly by each of the parties.

Sec. 16. Section 14, chapter 298, Laws of 1981 and RCW 13.32A.250 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is ~~((punishable as))~~ a contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act), subject to the limitations of subsection (2) of this section.

(2) ~~((Contempt under this section is punishable by))~~ The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(3) A child ~~((found in))~~ imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) ~~((The procedure in a contempt proceeding held under this section is governed by RCW 7.20.040 through 7.20.060, as now law or hereafter amended:~~

(5)) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

Sec. 17. Section 1, chapter 257, Laws of 1985 and RCW 13.34.165 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is ~~((punishable as))~~ contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act).

(2) The maximum term of imprisonment that may be imposed as a punitive sanction for contempt of court under this section is ((punishable by)) confinement for up to seven days.

(3) A child ~~((found in))~~ imprisoned for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) ~~((The procedure in a contempt proceeding under this section is governed by RCW 7.20.040 through 7.20.060:~~

(5)) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

Sec. 18. Section 19, chapter 202, Laws of 1955 and RCW 18.72.190 are each amended to read as follows:

Subpoenas issued by the board to compel the attendance of witnesses at any investigation or hearing shall be served in accordance with the provisions of chapter 5.56 RCW, governing the service of subpoenas in court actions. The board shall issue subpoenas at the request and on the behalf of the accused. In case any person contumaciously refuses to obey a subpoena issued by the board or to answer any proper question put to him during the hearing or proceeding, the superior court of any county in which the proceeding is carried on or in which the person guilty of refusal to obey the subpoena or to answer the question resides or is found shall have jurisdiction, upon application by the board, to issue to such person an order requiring him to appear before the board or its hearing committee, there to produce evidence if so ordered, or there to give testimony concerning the matter under investigation or question. Any failure to obey such order of the court ~~((may be punished by the court as a civil))~~ is a contempt ((may be punished)) of court under chapter 7.— RCW (sections 1 through 7 of this act).

Sec. 19. Section 7, chapter 279, Laws of 1984 as amended by section 4, chapter 259, Laws of 1986 and RCW 18.130.070 are each amended to read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, and state or local governmental agencies, to report to the disciplining authority any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order ~~((shall be punished by the court as civil))~~ is a contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act).

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action.

Sec. 20. Section 19, chapter 279, Laws of 1984 as last amended by section 7, chapter 150, Laws of 1987 and RCW 18.130.190 are each amended to read as follows:

(1) The director shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the director shall have the same authority as provided the director under RCW 18.130.050. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced (~~by civil contempt~~) under section 6 of this act.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 21. Section 16, chapter 157, Laws of 1973 1st ex. sess. as amended by section 12, chapter 460, Laws of 1987 and RCW 26.09.160 are each amended to read as follows:

The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another may be deemed to be in bad faith. If the court finds that a parent acted in bad faith in an attempt to condition parental functions, in a refusal to perform the duties provided in the parenting plan, or in the hindrance of performance by the other parent, the court has broad discretion to punish the conduct by a punitive award or other remedies, including (~~civil or criminal~~) contempt of court, and may consider the conduct in awarding attorneys' fees.

Sec. 22. Section 5, chapter 260, Laws of 1984 and RCW 26.18.050 are each amended to read as follows:

(1) ~~If an obligor fails to comply with a support order, a petition or motion may be filed without notice under RCW 26.18.040 to initiate a contempt action (if an obligor fails to comply with a support order) as provided in chapter 7. -- RCW (sections 1 through 7 of this act).~~ If the court finds there is reasonable cause to believe the obligor has failed to comply with a support order, the court may issue an order to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief requested should not be granted. A copy of the petition or motion shall be served on the obligor along with the order to show cause.

(2) Service of the order to show cause shall be by personal service, or in the manner provided in the civil rules of superior court or applicable statute.

(3) If the order to show cause served upon the obligor included a warning that an arrest warrant could be issued for failure to appear, the court may issue a bench warrant for the arrest of the obligor if the obligor fails to appear on the return date provided in the order.

(4) ~~(If the court finds, after hearing, that the obligor failed to comply with the support order previously entered and that the obligor has not established that he or she was unable to comply with the order, the court shall find the obligor in contempt of court. Contempt under this section is punishable by imprisonment in the county jail for a term of up to one hundred eighty days. The court may suspend all or a part of the sentence upon terms that are reasonably likely to result in compliance with the support order.~~

(5) If the obligor contends at the hearing that he or she lacked the means to comply with the support order, the obligor shall establish that he or she exercised due diligence in seeking

employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order.

Sec. 23. Section 2, chapter 35, Laws of 1985 and RCW 26.44.067 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order when requested by any peace officer of the state shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO ((FVHE)) CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule(~~(-PROVIDED, That)~~). No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 24. Section 8, chapter 131, Laws of 1973 and RCW 41.56.490 are each amended to read as follows:

The right of unformed employees to engage in any strike, work slowdown, or stoppage is not granted. ((Where)) An organization(;) recognized as the bargaining representative of unformed employees subject to this chapter(~~(-as amended by this 1973 amendatory act)~~) that willfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 and 41.56.490, or willfully offers resistance to such order, whether by strike or otherwise, ((the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day. Where)) is in contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act). An employer that willfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 or willfully offers resistance to such order(~~(-the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed two hundred fifty dollars per day to be assessed against the employer)~~) is in contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act).

Sec. 25. Section 5, chapter 15, Laws of 1983 and RCW 47.64.140 are each amended to read as follows:

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ferry system management to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section ((constitutes)) is a ((punishable)) contempt of court as provided in chapter 7.— RCW (sections 1 through 7 of this act). The ((punishment shall not exceed)) court may impose a penalty of up to ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues((-or imprisonment in a county jail for officials thereof not exceeding six months, or both such fine and imprisonment)). The ((punishment)) sanctions for a ferry employee found to be in contempt shall be as provided in chapter (~~(9-20)~~) 7.— RCW (sections 1 through 7 of this act). In individual or an employee organization which makes an

active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall promulgate rules and regulations allowing vessels, as defined in RCW 88.04.300, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety, and welfare of the people of the state of Washington.

Sec. 26. Section 186, chapter 255, Laws of 1927 as last amended by section 54, chapter 292, Laws of 1971 ex. sess. and RCW 79.01.704 are each amended to read as follows:

In all hearings pertaining to public lands of the state, as provided by this chapter, the board of natural resources, or the commissioner of public lands, as the case may be, shall, in its or his discretion have power to issue subpoenas and compel thereby the attendance of witnesses and the production of books and papers, at such time and place as may be fixed by the board, or the commissioner, to be stated in the subpoena and to conduct the examination thereof.

~~(Said)~~ The subpoena may be served by the sheriff of any county, or by any officer authorized by law to serve process, or by any person eighteen years of age or over, competent to be a witness, but who is not a party to the matter in which the subpoena is issued.

Each witness subpoenaed by the board, or commissioner, as a witness on behalf of the state, shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund from the appropriation for the office of the commissioner of public lands.

Any person duly served with a subpoena ~~(-as herein provided, and)~~ who ~~((shall))~~ fails to obey the same, without legal excuse, shall be considered in contempt ~~(-and)~~. The board, or commissioner, shall certify the facts thereof to the superior court of the county in which such witness may reside ~~(-and upon legal proof thereof, such witness shall suffer the same penalties as are now provided in like cases)~~ for contempt of court ~~((and))~~ proceedings as provided in chapter 7.-- RCW (sections 1 through 7 of this act). The certificate of the board, or commissioner, shall be considered by the court as prima facie evidence of the ~~((guilt of the party charged with))~~ contempt.

Sec. 27. Section 82.32.110, chapter 15, Laws of 1961 as amended by section 79, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.110 are each amended to read as follows:

The department of revenue or its duly authorized agent may examine any books, papers, records, or other data, or stock of merchandise bearing upon the amount of any tax payable or upon the correctness of any return, or for the purpose of making a return where none has been made, or in order to ascertain whether a return should be made; and may require the attendance of any person at a time and place fixed in a summons served by any sheriff in the same manner as a subpoena is served in a civil case, or served in like manner by an agent of the department of revenue.

The persons summoned may be required to testify and produce any books, papers, records, or data required by the department with respect to any tax, or the liability of any person therefor.

The director of the department of revenue, or any duly authorized agent thereof, shall have power to administer an oath to the person required to testify; and any person giving false testimony after the administration of such oath shall be guilty of perjury in the first degree.

If any person summoned as a witness before the department, or its authorized agent, fails or refuses to obey the summons, or refuses to testify or answer any material questions, or to produce any book, record, paper, or data when required to do so, ~~((he shall be guilty of))~~ the person is subject to proceedings for contempt, and the department shall thereupon institute contempt of court proceedings in the superior court of Thurston county ~~((;))~~ or of the county in which such person resides ~~(-to punish him as for contempt of court)~~.

**NEW SECTION.** Sec. 28. The following acts or parts of acts are each repealed:

(1) Section 667, page 167, Laws of 1869, section 730, page 147, Laws of 1877, section 725, Code of 1881 and RCW 7.20.010;

(2) Section 668, page 168, Laws of 1869, section 731, page 148, Laws of 1877, section 726, Code of 1881 and RCW 7.20.020;

(3) Section 669, page 168, Laws of 1869, section 732, page 148, Laws of 1877, section 727, Code of 1881 and RCW 7.20.030;



(4) Section 670, page 169, Laws of 1869, section 733, page 148, Laws of 1877, section 728, Code of 1881 and RCW 7.20.040;

(5) Section 671, page 169, Laws of 1869, section 734, page 149, Laws of 1877, section 729, Code of 1881 and RCW 7.20.050;

(6) Section 672, page 169, Laws of 1869, section 735, page 149, Laws of 1877, section 730, Code of 1881 and RCW 7.20.060;

(7) Section 673, page 169, Laws of 1869, section 736, page 149, Laws of 1877, section 731, Code of 1881 and RCW 7.20.070;

(8) Section 674, page 169, Laws of 1869, section 737, page 149, Laws of 1877, section 732, Code of 1881 and RCW 7.20.080;

(9) Section 675, page 170, Laws of 1869, section 738, page 149, Laws of 1877, section 733, Code of 1881 and RCW 7.20.090;

(10) Section 676, page 170, Laws of 1869, section 739, page 149, Laws of 1877, section 734, Code of 1881 and RCW 7.20.100;

(11) Section 677, page 170, Laws of 1869, section 740, page 149, Laws of 1877, section 735, Code of 1881 and RCW 7.20.110;

(12) Section 678, page 170, Laws of 1869, section 741, page 150, Laws of 1877, section 736, Code of 1881, section 8, chapter 51, Laws of 1957 and RCW 7.20.120;

(13) Section 679, page 170, Laws of 1869, section 742, page 150, Laws of 1877, section 737, Code of 1881 and RCW 7.20.130;

(14) Section 680, page 171, Laws of 1869, section 743, page 150, Laws of 1877, section 738, Code of 1881 section 70, chapter 258, Laws of 1984, section 5, chapter 202, Laws of 1988 and RCW 7.20.140;

(15) Section 667, page 167, Laws of 1869, section 725, Code of 1881, section 120, chapter 249, Laws of 1909 and RCW 9.23.010.

NEW SECTION. Sec. 29. Sections 1 through 7 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1 of the title, after "court;" strike the remainder of the title and insert "amending RCW 5.56.061, 7.43.110, 7.43.120, 7.48.080, 7.80.160, 10.01.180, 10.14.120, 11.64.022, 13.32A.250, 13.34.165, 18.72.190, 18.130.070, 18.130.190, 26.09.160, 26.18.050, 26.44.067, 41.56.490, 47.64.140, 79.01.704, and 82.32.110; adding a new chapter to Title 7 RCW; repealing RCW 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100, 7.20.110, 7.20.120, 7.20.130, 7.20.140, and 9.23.010; and prescribing penalties."

#### MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1983, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1983, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1983, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1983, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGES FROM THE HOUSE

April 13, 1989

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1065 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 13, 1989

Mr. President:

The House has passed HOUSE BILL NO. 1176, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 11, 1989

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5241 with the following amendments:

On page 1, beginning on line 5 strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 3, beginning on line 16 after "means" strike "committees and commerce and labor committees of the senate and" and insert "committee and economic development and labor committee of the senate and the appropriations committee and trade and economic development committee of"

On page 4, after line 30 strike all of section 11

On page 1, line 2 of the title after "43.31 RCW;" strike remainder of the title and insert "and adding a new section to chapter 43.170 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTIONS

Senator Nelson moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5241 and asks the House to recede therefrom.

Senator Lee moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5241 and requests of the House a conference thereon.

## WITHDRAWAL OF MOTION

There being no objection, Senator Nelson withdrew the motion to not concur in the House amendments to Substitute Senate Bill No. 5241 and asking the House to recede therefrom.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Lee to not concur in the House amendments to Substitute Senate Bill No. 5241 and requests of the House a conference thereon.

The motion by Senator Lee carried and the Senate did not concur in the House amendments to Substitute Senate Bill No. 5241 and requests of the House a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute Senate Bill No. 5241 and the House amendments thereto: Senators Lee, Smitherman and Anderson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 6, 1989

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5597 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) A pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner is not liable to a person who was injured through the use of the product, based on a claim of the following:

(a) Strict liability in tort; or

(b) Implied warranty provisions under the uniform commercial code, Title 62A RCW.

(2) Nothing in subsection (1) of this section affects a pharmacist's liability under RCW 7.72.040(1).

(3) In any action for personal injury based upon a prescription product where a pharmacist is not liable under subsection (1) of this section, then the trier of fact shall not attribute fault under RCW 4.22.070 to that pharmacist.

(4) The limitation of liability provided in subsection (1) of this section, shall apply only if the pharmacist identifies the manufacturer or manufacturers, the distributor, or the retailer from which the pharmacist obtained the product that resulted in injury to a person.

Sec. 2. Section 5, chapter 27, Laws of 1981 and RCW 7.72.040 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a product seller other than a manufacturer is liable to the claimant only if the claimant's harm was proximately caused by:

(a) The negligence of such product seller; or

(b) Breach of an express warranty made by such product seller; or

(c) The intentional misrepresentation of facts about the product by such product seller or the intentional concealment of information about the product by such product seller.

(2) A product seller, other than a manufacturer, shall have the liability of a manufacturer to the claimant if:

(a) No solvent manufacturer who would be liable to the claimant is subject to service of process under the laws of the claimant's domicile or the state of Washington; or

(b) The court determines that it is highly probable that the claimant would be unable to enforce a judgment against any manufacturer; or

(c) The product seller is a controlled subsidiary of a manufacturer, or the manufacturer is a controlled subsidiary of the product seller; or

(d) The product seller provided the plans or specifications for the manufacture or preparation of the product and such plans or specifications were a proximate cause of the defect in the product; or

(e) The product was marketed under a trade name or brand name of the product seller.

(3) Subsection (2) of this section does not apply to a pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner and who identifies the manufacturer or manufacturers, the distributor, or the retailer from which the pharmacist obtained the product that resulted in injury to a person.

Sec. 3. Section 401, chapter 305, Laws of 1986 and RCW 4.22.070 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant except as provided in RCW 7.72.040(3) and section 1(3) of this act and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "pharmacists;" strike the remainder of the title and insert "amending RCW 7.72.040 and 4.22.070; adding a new section to chapter 18.64 RCW; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator West, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 5597 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 10, 1989

Mr. President:

The House has passed SENATE BILL NO. 5172 with the following amendments:

On page 3, after line 21 insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:

In order to improve energy efficiency in residential structures, an entity in the state of Washington engaged in the generation, sale, or distribution of energy may provide financial or other assistance for the planting of trees that will cast shade on residential structures in the summer. The assistance may be given to the owner of the residential structure or to a community group engaged in the planting of trees."

Renumber the remaining section.

On page 1, line 2 of the title after "54.16.280;" insert "adding a new section to chapter 19.27A RCW;".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Benitz, the Senate did not concur in the House amendments to Senate Bill No. 5172 and asks the House to recede therefrom.

There being no objection, the President advanced the Senate to the eighth order of business.

#### MOTION

On motion of Senator Vognild, the following resolution was adopted:

#### SENATE RESOLUTION 1989-8676

by Senators Vognild, Warnke, Hayner, Sellar, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams and Wojahn

WHEREAS, Gordon Gaspard, beloved father of our own Senator Marc Gaspard, died of a heart attack, Wednesday, April 12, 1989, in Senator Gaspard's office; and

WHEREAS, Gordon is survived by his lovely wife, Joanne; a brother Dick and two sisters, Patricia and Geraldine; three sons, Marc, Scott, and Grant and three daughters, Paula, Deborah and Paige; and ten grandchildren; and

WHEREAS, Mr. Gaspard was a highly regarded administrator in the Office of the Superintendent of Public Instruction specializing in data processing and public school finance since the early 1970's; and

WHEREAS, Gordon Gaspard had two very successful careers, one in the public sector and one in private industry where he served with distinction for nearly twenty years and was controller and vice-president of finance at the Brown & Haley candy company; and

WHEREAS, Mr. Gaspard was an avid sports fan, playing basketball and softball with his fellow employees at SPI and acting as a coach of many youth sports activities in the Puyallup area; and

WHEREAS, Gordon Gaspard was truly endeared by his family and all those who knew and worked with him, was always cheerful and happy, was a person others looked to in times of need and will be missed by all whose lives he touched;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate expresses its deepest sympathy to the family and friends of Gordon Gaspard in remembrance of the many and varied achievements of his remarkable life; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Senator Marc Gaspard and the Gaspard family, on behalf of the Washington State Senate.

#### MOTION

On motion of Senator Vognild, all members will be included as sponsors of Senate Resolution 1989-8676.

#### MOMENT OF SILENCE

On motion of Senator Vognild, all members stood in silence in memory of Gordon Gaspard.

#### MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 13, 1989

ESHB 1190 Prime Sponsor, Committee on Natural Resources and Parks: Enacting the ocean natural resources management act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by Committee on Environment and Natural Resources. Signed by Senators McDonald, Chairman; Bailey, Bauer, Fleming, Lee, Moore, Niemi, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1989

ESHB 1479 Prime Sponsor, Committee on Appropriations: Making appropriations for the 1987-89 biennium. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

April 13, 1989

SHB 1560 Prime Sponsor, Committee on Health Care: Making changes to medical care provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Lee, Matson, Newhouse, Niemi, Owen, Saling, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 10, 1989

SHB 1963 Prime Sponsor, Committee on Health Care: Establishing the maternity care access act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Smith, Warnke.

Passed to Committee on Rules for second reading.

April 13, 1989

ESHB 1968 Prime Sponsor, Committee on Health Care: Establishing a plan for long-term care services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

April 13, 1989

GA 9110 BETTY WOODS, appointed January 24, 1989, for a term ending January 4, 1995, as a member of the Personnel Board.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be referred with no recommendation. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman, Conner.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 6146 by Senators Rinehart and Anderson

AN ACT Relating to the early education of children.

Referred to Committee on Education.

SB 6147 by Senator Patterson

AN ACT Relating to fiscal reform.

Referred to Committee on Transportation.

SJR 8226 by Senator Patterson

Amending the Constitution to provide for fiscal reform.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1176 by Representatives Nelson, May, Jacobsen, Crane and Miller (by request of Washington State Energy Office)

Creating the energy efficiency account.

Referred to Committee on Ways and Means.

#### MOTION

At 6:52 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, April 14, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

## NINETY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 14, 1989

The Senate was called to order at 8:30 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, DeJarnatt, Fleming, Gaspard, Hansen, Rinehart and Sellar. On motion of Senator McCaslin, Senator Anderson was excused. On motion of Senator Cantu, Senator Sellar was excused. On motion of Senator Bender, Senators DeJarnatt, Fleming, Gaspard, Hansen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Killinger and Evan McDonald, presented the Colors. Reverend Duane Sabin, pastor of the Kingston Christian Church, and a guest of Senator Ellen Craswell, offered the prayer.

### MOTION

On motion of Senator Newhouse, the reading of the Journal of the previous day was dispensed with and it was approved.

### REPORT OF STANDING COMMITTEE

April 14, 1989

SB 6145 Prime Sponsor, Senator Barr: Pertaining to rural health care. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

April 13, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5009,

SECOND SUBSTITUTE SENATE BILL NO. 5011,

SENATE BILL NO. 5022,

SUBSTITUTE SENATE BILL NO. 5033,

SENATE BILL NO. 5090,

SUBSTITUTE SENATE BILL NO. 5138,

SUBSTITUTE SENATE BILL NO. 5142,

SENATE BILL NO. 5231,

SUBSTITUTE SENATE BILL NO. 5234,

SUBSTITUTE SENATE BILL NO. 5252,

SUBSTITUTE SENATE BILL NO. 5362,

SENATE BILL NO. 5403,

SUBSTITUTE SENATE BILL NO. 5419,

SUBSTITUTE SENATE BILL NO. 5441,

SENATE BILL NO. 5464,

SUBSTITUTE SENATE BILL NO. 5472,

SUBSTITUTE SENATE BILL NO. 5481,

SENATE BILL NO. 5676,

SENATE BILL NO. 5715, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

April 13, 1989

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5066,  
 SECOND SUBSTITUTE SENATE BILL NO. 5111,  
 SUBSTITUTE SENATE BILL NO. 5151,  
 SUBSTITUTE SENATE BILL NO. 5275,  
 SENATE BILL NO. 5440,  
 SENATE BILL NO. 5579,  
 SUBSTITUTE SENATE BILL NO. 5614,  
 SUBSTITUTE SENATE BILL NO. 5746,  
 SUBSTITUTE SENATE BILL NO. 5782,  
 SUBSTITUTE SENATE BILL NO. 5790,  
 SENATE BILL NO. 5809,  
 SENATE BILL NO. 5871,  
 SUBSTITUTE SENATE BILL NO. 5886,  
 SENATE BILL NO. 5987,  
 SENATE BILL NO. 6012, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

April 13, 1989

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5301,  
 SENATE BILL NO. 5393,  
 SENATE BILL NO. 5480,  
 SENATE BILL NO. 5636,  
 SUBSTITUTE SENATE BILL NO. 5644,  
 SENATE BILL NO. 5680,  
 SENATE BILL NO. 5756,  
 SENATE BILL NO. 5887,  
 SENATE BILL NO. 5990,  
 SENATE BILL NO. 6057,  
 SENATE JOINT MEMORIAL NO. 8011, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2011, by Committee on Fisheries and Wildlife (originally sponsored by Representative R. King)

Changing provisions regulating commercial fishing licenses.

The bill was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license ~~((or permit))~~ shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license ~~((or permit))~~ the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license ~~((and permit))~~ decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license ~~((or permit))~~ is not valid if the vessel is operated by a person other than the operator listed on the license ~~((or permit))~~. The director may authorize additional operators for the license ~~((or permit))~~. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is ~~((ten))~~ twenty dollars.



The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license (~~or permit~~) shall be issued upon payment of a fee of ~~(ten)~~ twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is ~~(two)~~ ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	<del>\$(+00)</del> <u>135</u>	<del>\$(200)</del> <u>270</u>
(b) Salmon and other food fish	<del>\$(200)</del> <u>275</u>	<del>\$(200)</del> <u>550</u>

(2) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ~~(The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.)~~

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(a) Purse seine	<del>\$(300)</del> <u>410</u>	<del>\$(600)</del> <u>820</u>
(b) Gill net	<del>\$(200)</del> <u>275</u>	<del>\$(400)</del> <u>550</u>
(c) Troll	<del>\$(200)</del> <u>275</u>	<del>\$(400)</del> <u>550</u>
(d) Reef net	<del>\$(200)</del> <u>275</u>	<del>\$(400)</del> <u>550</u>

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery (~~permit~~) license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery (~~permit~~) license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery (~~permit~~) license is two hundred seventy-five dollars for residents and five hundred fifty dollars for non-residents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery (~~permit~~) license fee of ~~(ten)~~ fifty dollars against the salmon delivery (~~permit~~) license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery (~~permit~~) license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the (~~permit~~) license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license (~~or permit~~) under RCW 75.30.120 is required to obtain a salmon single delivery (~~permit~~) license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery (~~permit~~) license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in

section 19 of this 1989 act, the ~~((permit))~~ license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident		Nonresident	
	Fee		Fee	
(1) Jig	<del>\$(27-50)</del>	<u>50</u>	<del>\$(55)</del>	<u>100</u>
(2) Set line	<del>\$(35)</del>	<u>50</u>	<del>\$(70)</del>	<u>100</u>
(3) Set net	<del>\$(35)</del>	<u>50</u>	<del>\$(70)</del>	<u>100</u>
(4) Drag seine	<del>\$(45)</del>	<u>50</u>	<del>\$(70)</del>	<u>100</u>
(5) Gill net	<del>\$(200)</del>	<u>275</u>	<del>\$(400)</del>	<u>550</u>
(6) Purse seine	<del>\$(300)</del>	<u>410</u>	<del>\$(600)</del>	<u>820</u>
(7) Troll	<del>\$(27-50)</del>	<u>50</u>	<del>\$(55)</del>	<u>100</u>
(8) Bottom fish pots	<del>\$(35)</del>	<u>50</u>	<del>\$(60)</del>	<u>100</u>
<del>((Each pot over 100</del>	<del>\$0.25</del>		<del>\$0.50)</del>	
(9) Lampara	<del>\$(57-50)</del>	<u>100</u>	<del>\$(115)</del>	<u>200</u>
(10) Dip bag net	<del>\$(27-50)</del>	<u>50</u>	<del>\$(55)</del>	<u>100</u>
(11) Brush weir	<del>\$(85)</del>	<u>100</u>	<del>\$(160)</del>	<u>200</u>
(12) Other gear	\$100		\$200	

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ~~((permit))~~ license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ~~((permit))~~ license fee is ~~((ten))~~ fifty dollars for residents and ~~((twenty))~~ one hundred dollars for nonresidents. ~~((A permit-fee))~~ Licenses issued under RCW 75.28.113 (salmon delivery ~~((permit))~~ is not required to obtain) license, RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ~~((permit under this section))~~ license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident		Nonresident	
	Fee		Fee	
(1) Ring net	<del>\$(27-50)</del>	<u>50</u>	<del>\$(45)</del>	<u>100</u>
(2) Shellfish pots				
(excluding crab)	<del>\$(35)</del>	<u>50</u>	<del>\$(60)</del>	<u>100</u>
<del>((Each pot over 100</del>	<del>\$0.25</del>		<del>\$0.50)</del>	
(3) Crab pots				
(Puget Sound)	<del>\$(35)</del>	<u>50</u>	<del>\$(60)</del>	<u>100</u>
<del>((Each pot over 100</del>	<del>\$0.25</del>		<del>\$0.50)</del>	
(4) Crab pots				
(other than Puget Sound)	\$200		\$400	
(5) Shellfish diver				
(excluding clams)	<del>\$(27-50)</del>	<u>50</u>	<del>\$(55)</del>	<u>100</u>
(6) Squid gear, all types	\$100		\$200	
(7) Ghost shrimp gear	\$100		\$200	
(8) Commercial razor				
clam license	\$50		\$100	
(9) Geoduck diver license	\$100		\$200	
(10) Other shellfish gear	\$100		\$200	

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual endorsement fee is ~~((one))~~ two hundred ~~((sixty-five))~~ twenty-five dollars for a resident and ~~((three))~~ four hundred ~~((forty))~~ fifty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Trawl (Puget Sound)	<del>\$(87.50))</del> 100	<del>\$(135.00))</del> 200
(2) Trawl (other than Puget Sound)	\$150	\$300

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(1) Columbia River smelt	<del>\$(200))</del> 275	<del>\$(200))</del> 550
(2) Carp	<del>\$(5))</del> 50	<del>\$(5))</del> 100

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((three))~~ four hundred ten dollars for residents and eight hundred twenty dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred ~~thirty-five~~ dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. ~~((The annual license fee is fifty dollars for residents and nonresidents:))~~

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((fifteen))~~ fifty dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster cultch permit is required for commercial cultching of oysters on state oyster reserves. The director shall require that ten percent of the cultch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((thirty-seven))~~ one hundred dollars ~~((and fifty cents))~~. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted

under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's (~~(permit)~~ license) is required of and shall be carried by each individual engaged by a wholesale fish dealer (~~(as a fish buyer)~~ to purchase food fish or shellfish from a licensed commercial fisherman). A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's (~~(permit)~~ license is (~~(seven)~~ twenty dollars (~~(and fifty cents)~~).

~~((3) As used in this chapter, "fish buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section:))~~

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is (~~(ten)~~ twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION. Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

Beginning on January 1, 1993, and January 1 of every third year thereafter, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-'76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1, chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION. Sec. 21. This act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; and providing an effective date."

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2011, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2011, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2011, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent, 1; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Amundson, Pullen, Rasmussen - 3.

Absent: Senator West - 1.

Excused: Senators Anderson, DeJarnatt, Fleming, Gaspard, Hansen, Rinehart, Sellar - 7.

SUBSTITUTE HOUSE BILL NO. 2011, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Cantu, Senator West was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2014, by Committee on Appropriations (originally sponsored by Representatives Peery, Locke, Valle, Winsley, Crane and O'Brien)

Revising provisions for special education programs for handicapped children.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is increasing demand for school districts' special education programs to include medical services necessary for handicapped children's participation and educational progress. In some cases, these services could qualify for federal funding under Title XIX of the social security act. The legislature intends to establish a process for school districts to obtain reimbursement for eligible services from medical assistance funds. In this way, state dollars for handicapped education can be leveraged to generate federal matching funds, thereby increasing the overall level of resources available for school districts' special education programs.

Sec. 2. Section 11, chapter 66, Laws of 1971 ex. sess. as amended by section 5, chapter 87, Laws of 1980 and RCW 28A.41.053 are each amended to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for handicapped programs. Funding for programs operated by local school districts shall be ((funded)) on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.41.130, 28A.41.140, and other state and local funds, excluding special excess levies. Funding for local district programs may include payments from state and federal funds for medical assistance provided under RCW 74.09.500 through 74.09.910. However, the superintendent of public instruction shall reimburse the department of social and health services from state appropriations for handicapped education programs for the state-funded portion of any medical assistance payment made by the department for services provided under an individualized education program established pursuant to chapter 28A.13 RCW. The amount of such interagency reimbursement shall be deducted by the superintendent of public instruction in determining additional allocations to districts for handicapped education programs under this section.

Sec. 3. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 3, chapter 5, Laws of 1985 and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5) physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the secretary; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services(~~-PROVIDED, THAT~~); and (13) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to chapter 28A.13 RCW. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under chapter 28A.13 RCW shall not qualify as medical assistance prior to the implementation of the funding process developed under section 4 of this act.

NEW SECTION. Sec. 4. The department of social and health services and the superintendent of public instruction shall jointly develop a process and plan to enable school districts to bill medical assistance for eligible services included in handicapped education programs, subject

to the restrictions and limitations of this act. The process shall be implemented during the 1990-91 school year, with the intent that the billing system be in operation in selected regions of the state during the first half of that school year. The billing system shall be extended state-wide prior to the beginning of the 1991-92 school year. The planning shall include:

(1) Consideration of the types of services provided by school districts that would be eligible for medical assistance, and whether the state's medical assistance plan should be expanded to cover additional services for children;

(2) Establishment of categories of eligible services and the rates of reimbursement;

(3) Development of a state-wide billing system for use by school districts and educational service districts, which may include phased expansion of the system, providing billing services to the various regions of the state in stages;

(4) Measures for accountability and auditing of billings;

(5) Information bulletins and workshops for school districts and educational service districts;

(6) Contracting with educational service districts or other organizations for billing services or for other assistance in implementing the process established under this section;

(7) Formal agreements between the department and the superintendent of public instruction for notification of payments and for interagency reimbursement under section 2 of this act; and

(8) Review and approval of the plan by the office of financial management prior to submission to the legislature of the report under section 5 of this act.

NEW SECTION. Sec. 5. Prior to January 15, 1990, the superintendent of public instruction and the department of social and health services shall submit a joint report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the agencies' progress in developing the medical assistance billing system for school districts established under this act."

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 28A.41.053 and 74.09.520; and creating new sections."

#### MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2014, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2014, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2014, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yeas: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Excused: Senators Anderson, DeJarnatt, Fleming, Gaspard, Hansen, Rinehart, Sellar, West - 8.

SUBSTITUTE HOUSE BILL NO. 2014, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Smith, Senator Matson was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2024, by Committee on Trade & Economic Development (originally sponsored by Representatives Walk, Cantwell, Schoon, Rasmussen, Doty, Winsley, P. King, Pruitt, Kremen, Wood and D. Sommers)

Mandating regulatory fairness.

The bill was read the second time.

## MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 4, after line 9, insert the following:

**NEW SECTION.** Sec. 8. The business assistance center within the department of trade and economic development shall act as the primary agency of state government to respond to complaints regarding administrative rules adopted under chapter 34.05 RCW that unduly favor either the for profit or nonprofit business sectors.

**NEW SECTION.** Sec. 9. Any party who believes that a rule or proposed rule adopted by a state agency unduly favors either for profit corporations or nonprofit corporations may submit a complaint in writing to the center outlining the rule and the pertinent issues concerning the manner in which it unduly favors either the for profit or nonprofit business sectors.

**NEW SECTION.** Sec. 10. The center is authorized to: (1) Conduct background research and rules under review; (2) request information from agencies under which a proposed rule has been promulgated or is intended to be promulgated; and (3) arrange meetings with interested parties.

**NEW SECTION.** Sec. 11. Upon determining a case of preferential treatment by an agency between a for profit and nonprofit business, the center shall notify the affecting agency requesting modification of the rule. If the state agency does not begin remedial action within thirty days, the center may refer the issue to the joint administrative rules committee.

**NEW SECTION.** Sec. 12. The center may adopt rules to administer this act.

**NEW SECTION.** Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 14. Sections 8 through 12 of this act are added to chapter 43.31 RCW."

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" insert "adding new sections to chapter 43.31 RCW;"

## MOTION

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 2024, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2024, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2024, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Excused: Senators Anderson, DeJarnatt, Fleming, Gaspard, Hansen, Matson, Sellar - 7.

SUBSTITUTE HOUSE BILL NO. 2024, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

## SECOND READING

HOUSE JOINT MEMORIAL NO. 4001, by Representatives Schmidt, Walk, S. Wilson, Zellinsky, Van Luven, Baugher, R. Fisher, Gallagher, May, Peery, Bowman, Moyer, D. Sommers, Miller, Wolfe, Nealey and Brough

Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget.

The joint memorial was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, House Joint Memorial No. 4001 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4001.

## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4001 and the joint memorial passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, Matson, Sellar - 6.

HOUSE JOINT MEMORIAL NO. 4001, having received the constitutional majority was declared passed.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1917, by Representatives O'Brien, May, Gallagher, Wineberry, Nelson, Locke, Sayan, Patrick, Baugher, Ferguson and McLean

Establishing a certified real estate appraiser law.

The bill was read the second time.

## MOTION

Senator von Reichbauer moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct may provide certified appraisal services to the public.

**NEW SECTION.** Sec. 2. This chapter may be known and cited as the certified real estate appraiser act.

**NEW SECTION.** Sec. 3. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(2) "Appraisal foundation" means the organization qualified under section 501(c)(3) of the internal revenue code of 1986 that was incorporated as an Illinois not-for-profit corporation on November 30, 1987. The purposes of the appraisal foundation are to:

(a) Establish and improve uniform appraisal standards by defining, issuing, and promoting such standards;

(b) Establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing, and disseminating such qualification criteria to states, governmental entities, and others and assisting them in establishing and maintaining an appropriate system for the certification and recertification of qualified appraisers; and

(c) Develop or assist in the development of an appropriate examination for qualified appraisers.

(3) "Appraisal report" means any communication, written or oral, of an appraisal.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Board" means the certified real estate appraiser certification board.

(6) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(7) "Department" means the department of licensing.



(8) "Director" means the director of the department of licensing.

(9) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(10) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(11) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(12) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals and who holds a valid certificate issued to him or her for either general or residential real estate under this chapter. A state-certificated real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal" and indicate which type of certification is held.

NEW SECTION, Sec. 4. (1) No person, other than a state-certified real estate appraiser, may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified under this chapter shall not describe or refer to any appraisal or real estate located in this state by the term "certified."

(2) This section does not preclude a person who is not certified as a state-certified real estate appraiser from appraising real estate in this state for compensation.

NEW SECTION, Sec. 5. There is established a real estate appraiser certification board which shall consist of seven members, two of whom are public members and five of whom are real estate appraisers.

The governor shall appoint the members of the real estate appraiser certification board.

Each of the real estate appraiser members first appointed to the board shall possess a minimum of ten years of active experience as a real estate appraiser, or shall be a designated member in good standing of a real estate appraisal organization that, as of July 1, 1989, required appraisal experience, appraisal education, and testing to become a designated member and require adherence to generally accepted standards of professional appraisal practice in order to retain such designation. The real estate appraiser members shall be appointed from a cross-section of real estate appraisal organizations.

Each real estate appraiser member of the board appointed after July 1, 1990, must be a state-certified real estate appraiser under this chapter at the time of appointment and during the entire term. At least two members of the board shall be state-certified general real estate appraisers. At least one member of the board shall be a state-certified residential real estate appraiser. The term of each member of the board shall be three years, except that, of the members first appointed, one shall serve for three years, three shall serve for two years, and three shall serve for one year. Upon the expiration of a term, a member of the board continues to hold office until the appointment of a successor. No person shall serve as a member of the board for more than two consecutive terms. The appointing authority may remove a member for cause.

The public member of the board shall not be engaged in the practice of real estate appraising.

The members of the board shall elect a chairperson during the first meeting of each year. The chairperson is a board member and presides at board meetings.

The board shall meet at least once a year or as necessary to conduct board business upon the call of the chairperson at times and places as the chairperson shall designate.

A quorum of the board shall be five members.

Members of the board shall receive compensation under RCW 43.03.240 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 6. The real estate appraiser certification board provides technical assistance to the director relating to real estate appraisal standards and real estate appraiser qualifications and has the following responsibilities, powers, and duties:

(1) To recommend to the director the experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser, except that in no event shall the experience, education, and examination requirements recommended by the board be less than the minimum criteria established by the appraiser qualification board of the appraisal foundation unless, after notice and public hearing, the director has found that such minimum criteria are not appropriate for state-certified appraisers in this state;

(2) To recommend to the director the continuing education requirements that are appropriate for renewal of certification;

(3) To provide upon request of the director an explanation of the standards of professional appraisal practice required by section 27 of this act, when the appraisal standards board of the appraisal foundation has not issued an interpretation or explanation;

(4) To recommend to the director the examination specifications, and the minimum scaled score required to pass the certification examinations for each classification of certification required by this chapter, except that in no event shall the recommended examination specifications be less than the minimum criteria established by the appraisal qualification board of the appraisal foundation unless, after notice and a public hearing, the director has found that such minimum criteria are not appropriate for state-certified appraisers in this state;

(5) To review the bank of questions and answers provided by the contractor hired by the director to prepare examinations; and

(6) To conduct administrative hearings, as requested by the director, in connection with disciplinary proceedings under this chapter.

NEW SECTION, Sec. 7. The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) To receive and approve applications for certification as a state-certified real estate appraiser under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates to qualified applicants pursuant to the provisions of this chapter; and to maintain a register of the names and addresses of individuals who are currently certified under this chapter;

(3) To provide administrative assistance to the real estate appraiser certification board to enable the board to carry out its responsibilities under this chapter;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification examinations;

(5) To administer or contract for administration of certification examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To consider recommendations by the real estate appraiser certification board relating to the experience, education, and examination requirements for each classification of state-certified appraiser;

(7) To consider recommendations by the real estate appraiser certification board relating to the continuing education requirements for renewal of certification;

(8) To consider recommendations by the real estate appraiser certification board relating to standards of professional appraisal practice in the enforcement of this chapter;

(9) To issue an annual statement describing the receipts and expenditures in the administration of this chapter during each fiscal year;

(10) To establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this chapter;

(11) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the director or may be delegated by the director to the board or the director's authorized representatives acting by authority of law;

(12) To impose any one or more of the following sanctions; to deny applications for certification, to suspend or revoke certification, to require successful completion of remedial education courses, to require successful completion of the appropriate certification examination, to issue a formal reprimand or to impose a fine against a state-certified appraiser if, after an administrative hearing, the director finds that an applicant or state-certified real estate appraiser has violated this chapter;

(13) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(14) To establish forms necessary to administer this chapter; and

(15) To do all other things necessary to carry out the provisions of this chapter.

NEW SECTION, Sec. 8. The director, members of the board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

NEW SECTION, Sec. 9. The director shall set fees under RCW 43.24.086 and establish collection procedures for the following fees: Examination, reexamination, original certification, duplicate certification, change of name or address, renewal, delinquency, and certification history.

NEW SECTION, Sec. 10. (1) Applications for examinations, original certification, renewal certification, and change of name and address shall be made in writing to the department on forms approved by the director.

(2) The appropriate fees shall accompany all applications for examination, reexamination, original certification, renewal certification, and change of name and address.

(3) At the time of filing an application for certification, each applicant shall sign a pledge to comply with standards set forth in this chapter and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a state-certified real estate appraiser, as set forth in this chapter.

NEW SECTION, Sec. 11. There shall be two classes of state-certified real estate appraisers:

(1) The state-certified residential real estate appraiser classification shall consist of those persons meeting the requirements for appraisal of residential real property of one to four units.

(2) The state-certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

**NEW SECTION.** Sec. 12. (1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements established by the board.

(2) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements established by the board.

**NEW SECTION.** Sec. 13. As a prerequisite to taking the examination for certification as a state-certified real estate appraiser, an applicant must meet the experience requirements established by the board.

**NEW SECTION.** Sec. 14. An original certification as a state-certified real estate appraiser shall be issued to persons who have satisfactorily passed a written examination as adopted by the board.

**NEW SECTION.** Sec. 15. The director shall establish the term of certification issued under this chapter by rule pursuant to RCW 43.24.140. The expiration date of the certificate shall appear on the certificate and no other notice of its expiration need be given to the holder.

**NEW SECTION.** Sec. 16. (1) Every applicant for certification who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process upon him or her may be made by service on the director if, in an action against the applicant in a court of this state arising out of the applicant's activities as a state-certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant.

(2) A nonresident of this state who has complied with subsection (1) of this section and whose state has a reciprocal agreement with Washington may obtain a certificate as a state-certified real estate appraiser by conforming to all of the provisions of this chapter relating to state-certified real estate appraisers.

**NEW SECTION.** Sec. 17. If in the determination of the director another state has a written reciprocal agreement with this state and is deemed to have substantially equivalent certification requirements, an applicant who is currently certified and in good standing under the laws of such other state may obtain a certificate as a state-certified real estate appraiser in this state without being required to satisfy the examination requirements of this chapter.

**NEW SECTION.** Sec. 18. (1) To be renewed as a state-certified real estate appraiser, the holder of a valid certificate shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the certificate. With the application for renewal, the state-certified real estate appraiser shall present evidence in the form prescribed by the director of having completed the continuing education requirements for renewal specified in this chapter.

(2) If a person fails to renew a certificate prior to its expiration, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and paying late renewal fees.

**NEW SECTION.** Sec. 19. (1) Each state-certified real estate appraiser shall advise the director of the address of his or her principal place of business and his or her residence address.

(2) Whenever a state-certified real estate appraiser changes his or her principal place of business or his or her current residence address, he or she shall immediately give written notification on a form prescribed by the director of the change to the director and pay the appropriate fee.

**NEW SECTION.** Sec. 20. (1) A certificate issued under this chapter shall bear the signature or facsimile signature of the director and a certificate number assigned by the director.

(2) Each state-certified real estate appraiser shall place his or her certificate number adjacent to or immediately below the title "state-certified residential real estate appraiser" or "state-certified general real estate appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

**NEW SECTION.** Sec. 21. (1) The term "state-certified real estate appraiser" may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

(2) No certificate may be issued under this chapter to a corporation, partnership, firm, or group. This shall not be construed to prevent a state-certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice.

**NEW SECTION.** Sec. 22. (1) As a prerequisite to renewal of certification, a state-certified real estate appraiser shall present evidence satisfactory to the director of having met the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification shall be the completion, within the two-year period preceding renewal, of not less than thirty classroom hours of instruction in courses or seminars approved by the director.

(3) In lieu of meeting the requirements of subsection (2) of this section, an applicant for recertification may satisfy all or part of the requirements by presenting evidence of participation other than as a student in educational processes and programs which relate to real property appraisal theory, practices, and techniques, including but not limited to, teaching, program development, and preparation of textbooks, monographs, articles, and other instructional materials.

(4) The director shall adopt rules for the implementation of this section to assure that persons renewing their certifications as state-certified real estate appraisers have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification.

**NEW SECTION.** Sec. 23. Certification as a state-certified real estate appraiser that has been revoked or suspended as the result of a disciplinary action taken by the director shall not be reinstated unless the applicant for reinstatement presents evidence of completing the continuing education requirements provided in this chapter. This continuing education requirement shall not be imposed upon an applicant for reinstatement who has been required by the director to successfully complete the certification examination required by this chapter.

**NEW SECTION.** Sec. 24. An application for certification or recertification may be denied, and the certification of any state-certified real estate appraiser may be revoked, suspended, or otherwise disciplined in accordance with the provisions of this chapter, for any of the following acts or omissions:

(1) Failing to meet the minimum qualifications for state certification established by or pursuant to this chapter;

(2) Procuring or attempting to procure state certification under this chapter by knowingly making a false statement, knowingly submitting false information, or knowingly making a material misrepresentation on any application filed with the director;

(3) Paying money other than the fees provided for by this chapter to any employee of the director or the board to procure state certification under this chapter;

(4) Violation of section 27 of this act;

(5) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(6) Negligence or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(7) Continuing to act as a certified real estate appraiser when his or her certificate is on an expired status;

(8) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book, or record in his or her possession for inspection of the director or the director's authorized representatives acting by authority of law; and

(9) Violating any provision of this chapter or any lawful rule or regulation made by the director pursuant thereto.

**NEW SECTION.** Sec. 25. The director may investigate the actions of a state-certified real estate appraiser or an applicant for certification or recertification. Upon receipt of information indicating that a state-certified real estate appraiser under this chapter may have violated this chapter, the director shall cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with not more than one of the appraiser members of the board. If an appraiser member of the board is consulted and renders assistance in an investigation, the appraiser member is excused from service on the board in connection with any administrative hearing that may result from such investigation.

In any investigation made by the director's investigative staff, the director shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers, to administer oaths, and to take testimony and receive evidence concerning all matters within the director's jurisdiction.

If the director determines, upon investigation, that a state-certified real estate appraiser under this chapter has violated this chapter, a statement of charges shall be prepared and served upon the state-certified real estate appraiser. This statement of charges shall require the accused party to file an answer to the statement of charges within twenty days of the date of service.

In responding to a statement of charges, the accused party may admit to the allegations, deny the allegations, or otherwise plea. Failure to make a timely response shall be deemed an admission of the allegations contained in the statement of charges.

**NEW SECTION.** Sec. 26. The administrative hearing on the allegations in the statement of charges may be heard by the board or an administrative law judge appointed under chapter 34.12 RCW at the time and place prescribed by the director and in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. If the board or the administrative

law judge determines that a state-certified real estate appraiser is guilty of a violation of any of the provisions of this chapter, a formal decision shall be prepared that contains findings of fact and recommendations to the director concerning the appropriate disciplinary action to be taken.

If the director shall decide, after such hearing, that the evidence supports the accusation by a preponderance of evidence, the director may impose sanctions authorized under section 7 of this act. In such event the director shall enter an order to that effect and shall file the same in his or her office and immediately mail a copy thereof to the affected party at the addresses of record with the department. Such order shall not be operative for a period of ten days from the date thereof. Any licensee or applicant aggrieved by a final decision by the director in an adjudicative proceeding whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION, Sec. 27. A state-certified real estate appraiser shall comply with the standards of professional appraisal practice in this chapter and those promulgated by the appraisal standards board of the appraisal foundation as the standards exist on the effective date of this section. The director may adopt future changes in the standards by rule.

NEW SECTION, Sec. 28. The attorney general shall render to the director and board opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof that may be submitted by the director or board, and shall act as attorney for the director and board in all actions and proceedings brought by or against the director and board under or pursuant to any provisions of this chapter.

NEW SECTION, Sec. 29. Sections 2 through 28 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 30. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 32. (1) Sections 2, 3, 5 through 8, 28, 30, and 31 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

(2) Sections 1, 4, 9 through 27, and 29 of this act shall take effect July 1, 1990."

#### PARLIAMENTARY INQUIRY

Senator Williams: "Madam Chairman, a parliamentary inquiry. We have amendments to my striking amendment. My question is, can we do that or do we need to work from—"

#### REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "You cannot amend your amendment to the amendment."

Senator Williams: "Madam Chairman, if I might then suggest that we vote down the Ways and Means Committee amendment and then take up my striking amendment. I think there's concurrence here to deal with my striking amendment. My striking amendment includes the changes that were made in the Ways and Means Committee, so there's no contradiction of the work that's already been done by the Ways and Means Committee. It includes those amendments that were offered by Senator Lee in Ways and Means. Now, I don't know if perhaps Senator von Reichbauer might want to comment on this, but in order to perfect the striking amendment that I have offered, I think this is the process that we would have to take. I'd like to urge us then to not to adopt the Ways and Means Committee amendment and proceed to my striking amendment."

Vice President Pro Tempore Craswell: "Senator Williams, in the event that the Senate Ways and Means Committee striking amendment is adopted, your striking amendment then would be out of order."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Lee: "A point of parliamentary inquiry. Which amendment do we have before us at the present time?"

## REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "The amendment before the body is the striking amendment by the Senate Committee on Ways and Means to Engrossed House Bill No. 1917."

Senator Lee: "So, the amendment proposed by Senator Williams is out of order?"

Vice President Pro Tempore Craswell: "He, in effect, withdrew his amendment at this time, in the event that the Senate Committee on Ways and Means is adopted, his amendment would then be out of order."

Senator Lee: "Therefore, if we wish to consider the Williams amendment, as the perfecting amendment, arguments should be against the Ways and Means Committee amendment at this point in time?"

President Pro Tempore Craswell: "In order to consider the Williams amendment, we would have to defeat the Senate Ways and Means Committee amendment."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1917 was deferred.

Further debate ensued.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1251, by Committee on Local Government (originally sponsored by Representatives Nutley, Zellinsky, Ferguson, Haugen, Cooper, Phillips, Raiter and Rayburn)

Changing provisions relating to municipal annexations.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following amendments were considered simultaneously and were adopted:

On page 1, line 12, after "number to" strike "~~((twenty)) ten~~" and insert "twenty"  
On page 2, line 34, after "under the" strike "~~((twenty)) ten~~" and insert "twenty"

On motion of Senator McCaslin, the following amendment was adopted:

On page 4, beginning on line 1, strike all of section 4 and renumber the remaining sections accordingly

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "35.13.125," strike "35.13.130."

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1251, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1251, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1251, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Talmadge - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, Matson, Sellar - 6.

SUBSTITUTE HOUSE BILL NO. 1251, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1071, as amended by the Senate, deferred on third reading April 7, 1989.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House No. 1071, as amended by the Senate, was returned to second reading.

Substitute House Bill No. 1071, as amended by the Senate, was read the second time.

#### MOTION

Senator Hayner moved that the following amendment by Senators Hayner, Pullen and Rasmussen be adopted:

On page 2, line 15, after "and" strike everything through "standard" on page 2, line 17, and insert "either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard"

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. Did Senator Hayner actually move to reconsider the amendment by which Section 9 was deleted?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "No, she did not."

Debate ensued.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hayner moved to reconsider the vote by which the amendments on page 3, lines 17 and 19, to Substitute House Bill No. 1071 were adopted April 7, 1989.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hayner to reconsider the vote by which the amendments by Senator Talmadge on page 3, lines 17 and 19, to Substitute House Bill No. 1071 were adopted.

The motion for reconsideration carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 3, lines 17 and 19, to Substitute House Bill No. 1071, on reconsideration.

#### PARLIAMENTARY INQUIRY

Senator Nelson: "A point of parliamentary inquiry. If I understand this correctly, Mr. President. If we vote 'yes' on these amendments which had been previously provided by my good friend and colleague from the 34th legislative district, we would remove Section 9, which has this clarity language on personal restraint petitions. If we vote 'no,' we retain this clearly defined section on the person's ability to get further appeals on the same grounds. So, if we vote 'no,' we retain the bill as it passed the Law and Justice Committee. Is that correct?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "That is correct, Senator Nelson."

The amendments on page 3, lines 17 and 19, on reconsideration, were not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment on page 1, line 15, by Senators Hayner, Pullen and Rasmussen to Substitute House Bill No. 1071.

The amendment by Senators Hayner, Pullen and Rasmussen was adopted.

## MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1071, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1071, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1071, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke - 37.

Voting nay: Senators Moore, Niemi, Rinehart, Talmadge, Williams, Wojahn - 6.

Absent: Senator West - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, Matson - 5.

SUBSTITUTE HOUSE BILL NO. 1071, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1385, by Representatives Dellwo, Winsley, Chandler, Day, Anderson and Nutley (by request of Insurance Commissioner)

Amending merger or change in insurance entity status.

The bill was read the second time.

## MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 31.01, chapter 79, Laws of 1947 as last amended by section 3, chapter 107, Laws of 1973 1st ex. sess. and RCW 48.31.010 are each amended to read as follows:

(1) Subject to the provisions of RCW 48.08.080, relating to the mutualization of stock insurers, RCW 48.09.350, relating to the conversion or reinsurance of mutual insurers, and RCW 48.10.330, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing. The insurers involved in the merger shall bear the expense of the mailing of the notice of hearing and of the order on hearing.

(c) No director, officer, member, or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other



compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations. Except, that as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section.

(3) For the purpose of this section, a "domestic insurer" shall be deemed to include:

(a) An insurer authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW;

(b) All persons engaged as, or purporting to be engaged as insurers, health care service contractors, or health maintenance organizations in this state; and

(c) Persons in the process of organization to become insurers, health care service contractors, or health maintenance organizations."

Senator Johnson moved that the following amendment by Senators Johnson and McMullen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section .31.02, chapter 79, Laws of 1947 and RCW 48.31.020 are each amended to read as follows:

For the purposes of this chapter, other than as to RCW 48.31.010, and in addition to persons included under RCW 48.31.110, the term "insurer" shall be deemed to include an insurer authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW, as well as all persons engaged as, or purporting to be engaged as insurers ((in the business of insurance)), health care service contractors, or health maintenance organizations in this state, and to persons in process of organization to become insurers, health care service contractors, or health maintenance organizations.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

#### POINT OF INQUIRY

Senator Moore: "Senator Johnson, is it absolutely positive that a bankruptcy proceeding would be handled under this legislation by the Insurance Commissioner, even if it were filed out of state?"

Senator Johnson: "I would say 'yes.' The process would probably be initiated here in this state in the federal court and the Insurance Commissioner would have that power to bring the case also into our federal court here in the state, so I would say 'yes.'"

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Johnson, is this amendment requested by the Insurance Commissioner's office?"

Senator Johnson: "Yes."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Johnson and McMullen to House Bill No. 1385.

The motion by Senator Johnson carried and the amendment was adopted.

#### MOTIONS

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 48.31.020; and declaring an emergency."

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1385, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1385, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1385, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen - 4.

HOUSE BILL NO. 1385, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 6145 and Gubernatorial Appointment No. 9110.

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6145 and Gubernatorial Appointment No. 9110 were advanced to second reading and placed on the second reading calendar.

#### MOTION

Senator Vognild moved that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 1190 and that the rules be suspended and Engrossed Substitute House Bill No. 1190 be advanced to second reading and placed on the second reading calendar.

#### MOTION

At 10:16 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pro Tempore Bluechel.

There being no objection, the Senate resumed consideration of the motion by Senator Vognild, which was made before the Senate went at ease, to relieve the Committee on Rules of further consideration of Engrossed Substitute House Bill No. 1190, and to suspend the rules and place the bill on the second reading calendar.

Debate ensued.

#### POINT OF ORDER

Senator Newhouse: "A point of order. Turn off that mike when he's talking like that. He was not speaking on the motion."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The point of order is well taken."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild to relieve the Committee on Rules of further consideration of Engrossed Substitute House Bill No. 1190 and to suspend the rules and place the bill on the second reading calendar.

The motion by Senator Vognild failed.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

Mr. President:

April 12, 1989

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Appelwick, Wineberry and Patrick.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 1793 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1793 and the Senate amendments thereto: Senators Newhouse, Niemi and Nelson.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the President returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 14, 1989

GA 9005 M. TOBY BOUCHEY, appointed August 29, 1988, for a term ending October 24, 1993, as a member of the Small Business Export Financial Assistance Center Board of Directors.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules.

April 14, 1989

GA 9032 ROY M. KALICH, reappointed August 1, 1988, for a term ending August 2, 1994, as a member of the Lottery Commission.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules.

April 14, 1989

GA 9033 THOMAS P. KEEFE, reappointed June 1, 1987, for a term ending June 10, 1993, as a member of the Gambling Commission.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules.

April 14, 1989

GA 9039 BERNARD KORTH, appointed October 24, 1988, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules.

April 14, 1989

GA 9052 CARL M. OOKA, reappointed July 29, 1987, for a term ending August 2, 1993, as a member of the Lottery Commission.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules.

April 14, 1989

GA 9096 MICHAEL MURPHY, appointed January 16, 1989, for a term ending January 15, 1995, as a member of the Liquor Control Board.  
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1305, by Committee on Revenue (originally sponsored by Representatives Wang, Holland and Appelwick) (by request of Department of Revenue)

Correcting the public utility tax in response to a 1986 Thurston county superior court decision.

The bill was read the second time.

#### MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that chapter 9, Laws of 1982 2nd ex. sess. was intended to extend state public utility taxation to electrical energy generated in this state for eventual distribution outside this state. The legislature further finds that chapter 9, Laws of 1982 2nd ex. sess. was held unconstitutional by the Thurston county superior court in Washington Water Power v. State of Washington (memorandum opinion No. 83-2-00977-1). The purpose of Part I of this act is to recognize the effect of that decision by correcting the relevant RCW sections to read as though the legislature had not enacted chapter 9, Laws of 1982 2nd ex. sess., and thereby make clear the effect of subsequent amendments in Part II of this act.

(2) The purpose of Part II of this act is to provide a constitutional means of replacing the revenue lost as a result of the Washington water power decision.

#### PART I

Sec. 101. Section 82.04.120, chapter 15, Laws of 1961 as last amended by section 1, chapter 493, Laws of 1987 and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles, and the generation or production of electrical energy for resale or consumption outside the state.

"To manufacture" shall not include conditioning of seed for use in planting or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

Sec. 102. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 226, Laws of 1986 and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses(~~(-PROVIDED, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state))~~).

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 103, Section 82.16.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 207, Laws of 1987 and RCW 82.16.050 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes:

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity(~~(-other than electrical energy))~~) in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former:

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town:

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: PROVIDED, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: AND PROVIDED FURTHER, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240:

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association;

~~((H))~~ (11) Amounts paid by a sewerage collection business taxable under RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage.

## PART II

Sec. 201. Section 82.04.120, chapter 15, Laws of 1961 as last amended by section 101 of this act and RCW 82.04.120 are each reenacted and amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles(~~and the generation or production of electrical energy for resale or consumption outside the state~~).

"To manufacture" shall not include conditioning of seed for use in planting or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

Sec. 202. Section 82.04.310, chapter 15, Laws of 1961 and RCW 82.04.310 are each amended to read as follows:

This chapter shall not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of chapter 82.16 RCW including amounts derived from the sale of commodities for which a deduction is allowed under RCW 82.16.050.

Sec. 203. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 102 of this act and RCW 82.16.010 are each reenacted and amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 204. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 14, chapter 282, Laws of 1986 and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, (~~light and power~~) and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

~~((c))~~ (d) Urban transportation business: Six-tenths of one percent;

~~((d))~~ (e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

~~((e))~~ (f) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

~~((f))~~ (g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

Sec. 205. Section 82.16.030, chapter 15, Laws of 1961 as amended by section 6, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.16.030 are each amended to read as follows:

Every person engaging in businesses which are within the purview of two or more of schedules ~~((a), (b), (c), (d), and (e))~~ of RCW 82.16.020(1), shall be taxable under each schedule applicable to the businesses engaged in.

Sec. 206. Section 82.16.050, chapter 15, Laws of 1961 as last amended by section 103 of this act and RCW 82.16.050 are each reenacted and amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, ~~((light and power;))~~ gas distribution or other public service businesses which furnish water, ~~((electrical energy;))~~ gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state ~~((if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: PROVIDED, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: AND PROVIDED FURTHER, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240));~~

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association;

(11) Amounts paid by a sewerage collection business taxable under RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage;

(12) Amounts derived from the sale of electrical energy for resale as such within this state. This deduction is allowed only to light and power businesses that furnish electrical energy in the performance of a public service business.

#### PART III

NEW SECTION. Sec. 301. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.04.120, 82.16.010, 82.16.050, 82.04.310, 82.16.020, and 82.16.030; reenacting and amending RCW 82.04.120, 82.16.010, and 82.16.050; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1305, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1305, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1305, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senator Craswell - 1.

Absent: Senator Conner - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard, Hansen, McCaslin - 5.

SUBSTITUTE HOUSE BILL NO. 1305, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:28 p.m. by President Pro Tempore Bluechel.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2066, by Committee on Education (originally sponsored by Representatives Cantwell, Peery, Holland, Beck, Walk, Jones, Spanel, Ferguson, Cole, P. King, Winsley, Wood and Todd)

Creating an interim task force to evaluate school student transportation safety.

The bill was read the second time.

## MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, line 3, strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 6, chapter 271, Laws of 1969 ex. sess. as last amended by section 5, chapter 354, Laws of 1987 ex. sess. and RCW 58.17.060 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 2. Section 11, chapter 271, Laws of 1969 ex. sess. as amended by section 5, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.110 are each amended to read as follows:

The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and determine whether the

public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat. Dedication of land to any public body, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners."

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "evaluation," strike the remainder of the title and insert "amending RCW 58.17.060; and amending RCW 58.17.110."

#### MOTION

On motion of Senator Bender, further consideration of Engrossed Substitute House Bill No. 2066 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1560, by Committee on Health Care (originally sponsored by Representative Braddock) (by request of Department of Social and Health Services)

Making changes to medical care provisions.

The bill was read the second time.

#### MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 5, Laws of 1987 1st ex. sess. and RCW 74.09.730 are each amended to read as follows:

~~((1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:~~

~~(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;~~

~~(b) A tertiary care center; and~~

~~(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located;~~

~~(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.~~

~~(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.~~

~~(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the "disproportionate share" provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.)) In establishing Title XIX payment rates for inpatient hospital services:~~

(1) The department of social and health services shall take into account the situation of hospitals which serve a disproportionate number of low-income patients with special needs;

(2) The department shall define eligible disproportionate share hospitals by regulation, and shall consider a hospital's Medicaid utilization rate, its low-income utilization rate, and its provision of obstetric services;

(3) The payment methodology for disproportionate share hospitals shall be specified by the department in regulation.

Sec. 2. Section 2, chapter 303, Laws of 1986 as amended by section 21, chapter 5, Laws of 1987 1st ex. sess. and RCW 74.09.522 are each amended to read as follows:

(1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that

provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act.

(2) No later than July 1, ~~((1989))~~ 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made ~~((within one class A county in the eastern part of the state))~~ for at least ~~((ten))~~ thirty thousand recipients ~~((and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state))~~ state-wide;

(b) Agreements in at least one ((of the agreements)) county shall include enrollment of all recipients of aid to families with dependent children ~~((residing in a defined geographical area))~~;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the department may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed six months: AND PROVIDED FURTHER, That the department shall not restrict a recipient's right to terminate enrollment in a system for cause;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except that this subsection (d) shall not apply to entities described in subparagraph (B) of section 1903(m) of Title XIX of the federal social security act;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure ~~((that includes at least request for proposals))~~ to negotiate and enter into contractual arrangements, including standards regarding the quality of services to be provided; and financial integrity of the responding system ~~((The department may negotiate with respondents to the extent necessary to refine any proposals))~~;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements ~~((in additional counties or))~~ for other groups of people eligible to receive services under chapter 74.09 RCW.

(3) The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project. The department shall coordinate these projects with the plans developed under chapter 70.47 RCW.

(4) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION. Sec. 3. A new section is added to chapter 70.24 RCW to read as follows:

(1) "Class IV human immunodeficiency virus insurance program," as used in this section, means the program financed by state funds to assure health insurance coverage for individuals with class IV human immunodeficiency virus infection, as defined by the state board of health, who meet eligibility requirements established by the department.

(2) The department may pay for health insurance coverage with funds appropriated for this purpose on behalf of persons who are infected with class IV human immunodeficiency virus, meet program eligibility requirements, and are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985 or group health insurance policies.

Sec. 4. Section 3, chapter 305, Laws of 1971 ex. sess. as last amended by section 502, chapter 212, Laws of 1987 and RCW 18.71.210 are each amended to read as follows:

No act or omission of any physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as defined in RCW 18.71.200 as

now or hereafter amended, any emergency medical technician or first responder as defined in RCW 18.73.030, (~~or any first responder under RCW 18.73.295~~), done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who has suffered illness or bodily injury shall impose any liability upon:

- (1) The trained mobile intensive care paramedic, intravenous therapy technician, airway management technician, emergency medical technician, or first responder;
- (2) The medical program director;
- (3) The supervising physician(s);
- (4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital;
- (5) Any training agency or training physician(s);
- (6) Any licensed ambulance service; or
- (7) Any federal, state, county, city or other local governmental unit or employees of such a governmental unit.

This section shall apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained mobile intensive care paramedic, intravenous therapy technician, airway management technician, emergency medical technician, or first responder, as the case may be.

This section shall not relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of a physician's trained mobile intensive care paramedic, intravenous therapy technician, airway management technician, emergency medical technician, or first responder, nor shall this section relieve any individual or other entity listed in this section of any duty otherwise imposed by law for the provision or maintenance of equipment to be used by the physician's trained mobile intensive care paramedics, intravenous therapy technicians, airway management technicians, emergency medical technicians, or first responders.

This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct."

#### MOTION

On motion of Senator McDonald, further consideration of Substitute House Bill No. 1560 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1963, by Committee on Health Care (originally sponsored by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Hearvey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller)

Establishing the maternity care access act.

The bill was read the second time.

#### MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. LEGISLATIVE INTENT. (1) The legislature finds that Washington state has a high rate of infant illness and death and this is especially true for low-income persons. Adequate prenatal care throughout pregnancy is a major factor in reducing infant illness and death. The legislature also finds that access to maternity care services for low-income and high-risk women in the state of Washington has declined significantly in recent years and has reached a crisis level.

**NEW SECTION.** Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5, 7, and 8 of this act and RCW 74.09.510.

(1) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the program created by this act or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this act.

(2) "Department" means the department of social and health services.

(3) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter.

(4) "Health care provider" means physician, nurse practitioner, registered nurse, midwife, and nursing assistants-registered.

(5) "High-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including in the following order of priority, pregnant women who are drug or alcohol addicted or affected, pregnant and parenting adolescents, pregnant minority women who live in poverty, pregnant homeless women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(6) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(7) "Support services" should include a nursing assessment and followup, health and child-birth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by House Bill No. 1793, if enacted.

NEW SECTION. Sec. 3. HEALTH CARE PROVIDER AVAILABILITY AND LIABILITY INSURANCE.

(1) The legislature finds that a major factor contributing to the decline in the number of health care providers providing maternity care to low-income women is the below cost reimbursement to those providers for services delivered. Consequently, it is the legislature's intent that the reimbursement levels to health care providers be increased to the extent allowed by the funds appropriated for that purpose.

(2) An additional barrier to the provision of maternity care to low-income women by health care providers is the lack of affordable liability insurance for health care providers. To help remedy this problem, the department may, within available funds, develop a program that addresses maternity care health care provider's liability insurance problems.

NEW SECTION. Sec. 4. MATERNITY CARE ACCESS PROGRAM. In an effort to provide for healthy births, the department shall, within funds appropriated for this purpose and subject to limitations placed on those funds, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children eligible solely pursuant to RCW 74.09.510(6) to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provision of services for terminations of pregnancy to women eligible solely pursuant to RCW 74.09.510(6) shall not be funded under the medical assistance program, Title XIX of the federal social security act, but such women are eligible for terminations of pregnancy services funded from other programs currently existing within the department of social and health services and the department of health, if one is created;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff, at the department's discretion, to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department;

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist only high-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Implement a broad-based public education program, in cooperation with local health departments and other agencies providing maternity care, that stresses the importance of obtaining maternity care early during pregnancy. Special emphasis shall be directed toward high-risk eligible persons;

(6) Develop and maintain linkages with existing maternity care providers and assist in the recruitment of additional maternity care providers;

(7) Work with local communities to develop maternity care clinics in areas in need of access to prenatal or maternity care, or if such clinics already exist, work to enhance existing services; and

(8) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION. Sec. 5. ALTERNATIVE MATERNITY CARE SERVICE DELIVERY SYSTEM. (1)

Within funds appropriated for this purpose, the department shall establish an alternative maternity care service delivery system, if it determines that a county or group of counties is a

maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or group of counties where eligible persons are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health offices, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

Sec. 6. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 5, Laws of 1985 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, including the prohibition under RCW 74.09.532 through 74.09.536 against the knowing and ~~((willful))~~ willful assignment of property or cash for the purpose of qualifying for such assistance, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~((pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified. (6)))~~ individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

**NEW SECTION.** Sec. 7. EVALUATION. The department, within funds appropriated for this purpose, shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 5 of this act and RCW 74.09.510 based on the principles set forth in section 2 of this act.

The evaluation shall also address:

(1) Characteristics of women receiving services, including health risk factors;

(2) Services utilized by eligible women;

(3) Birth outcomes of women receiving services;

(4) Birth outcomes of women receiving services, by type of practitioner; and

(5) Services utilized by eligible infants.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

**NEW SECTION.** Sec. 8. PROHIBITION OF ENTITLEMENT. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private

right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 10. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 11. Sections 1 through 5, 7, and 8 of this act are each added to chapter 74.09 RCW."

#### POINT OF ORDER

Senator Niemi: "Thank you, Mr. President. I rise to a point of order. I request a ruling on the scope and object of the committee amendment. I think the underlying bill relates to access to maternity care. The committee amendment restricts access to maternity care."

Debate ensued.

There being no objection, the President Pro Tempore deferred further consideration of Substitute House Bill No. 1963.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2066, deferred on second reading earlier today, after the Committee on Education amendment on page 1, line 3, and the title amendment were adopted.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 2066, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2066, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2066, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warmke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2066, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1569, by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Locke, Holland and Sayan)

Regarding forest protection.

The bill was read the second time.

#### MOTION

Senator Barr moved that the following amendment be adopted:

On page 1, beginning on line 14, after "year" strike all material down to and including "mountains)" on line 16 and insert "on lands west of the summit of the Cascade mountains and ((seventeen)) eighteen cents an acre per year on lands east of the summit of the Cascade mountains"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Barr on page 1, beginning on line 14, to Substitute House Bill No. 1569.

The motion by Senator Barr failed and the amendment was not adopted.

#### MOTION

Senator Barr moved that the following amendment be adopted:

On page 2, line 13, strike "may" and insert "shall"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Barr on page 2, line 13, to Substitute House Bill No. 1569.

The amendment was adopted on a rising vote.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1569, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1569, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1569, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams - 33.

Voting nay: Senators Amondson, Barr, Craswell, Madsen, McCasin, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sutherland, Thorsness, Wojahn - 13.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1569, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Newhouse moved that the Committee on Rules be relieved of further consideration of Substitute House Bill No. 1097 and House Bill No. 1478 and that the rules be suspended and the two bills be advanced to second reading and placed on the second reading calendar.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse to relieve the Committee on Rules of further consideration of Substitute House Bill No. 1097 and House Bill No. 1478 and to advance the two bills to second reading.

The motion by Senator Newhouse carried and Substitute House Bill No. 1097 and House Bill No. 1478 were advanced to second reading and placed on the second reading calendar.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved to immediately reconsider the vote by which Engrossed Substitute House Bill No. 2066, as amended by the Senate, passed the Senate earlier today.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson to immediately reconsider the vote by which Engrossed Substitute House Bill No. 2066, as amended by the Senate, passed the Senate.

The motion for reconsideration carried.

#### MOTION

On motion of Senator Nelson, Engrossed Substitute House Bill No. 2066 was returned to second reading and read the second time.



## MOTION FOR RECONSIDERATION

Senator Nelson moved to reconsider the vote by which the Committee on Education amendment on page 1, line 3, and the title amendment were adopted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the Committee on Education amendment on page 1, line 3, and the title amendment were adopted to Engrossed Substitute House Bill No. 2066.

The motion for reconsideration of the amendments carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Education amendment on page 1, line 3, and the title amendment, on reconsideration, to Engrossed Substitute House Bill No. 2066.

The committee amendment and the title amendment were not adopted, on reconsideration.

## MOTIONS

On motion of Senator Nelson, the following Committee on Education amendment was adopted:

On page 2, following line 14, insert the following:

"Sec. 2, Section 6, chapter 271, Laws of 1969 ex. sess. as last amended by section 5, chapter 354, Laws of 1987 ex. sess. and RCW 58.17.060 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 3, Section 11, chapter 271, Laws of 1969 ex. sess. as amended by section 5, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.110 are each amended to read as follows:

The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat. Dedication of land to any public body, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners."

On motion of Senator Anderson, the following amendment was adopted:

On page 1, line 13, strike all of subsection (c)  
Relet the remaining subsection accordingly

On motion of Senator Nelson, the following amendment was adopted:

On page 1, beginning on line 20, delete all of subsection (3), through and including "committees," on page 1, line 22, and insert the following:

"(3) Staffing for the task force shall be provided by the traffic safety commission and the office of the superintendent of public instruction. The governor and the legislature may provide additional staff and facilities as may be reasonably required to assist the task force in carrying out its duties and responsibilities."

#### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "evaluation," insert "amending RCW 58.17.060; amending RCW 58.17.110;"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2066, as amended by the Senate on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2066, as amended by the Senate on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2066, as amended by the Senate on reconsideration, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Moore, Niemi - 2.

Absent: Senator Patterson - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2066, as amended by the Senate on reconsideration, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1560 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

#### MOTION

Senator West moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 7, line 21, after "policies," insert "This section shall expire June 30, 1991."

Debate ensued.

#### WITHDRAWAL OF AMENDMENT

There being no objection, Senator West withdrew the amendment on page 7, line 21, to the Committee on Ways and Means amendment to Substitute House Bill No. 1560.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1560 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Day, Cantwell, Leonard, Prentice, Bristow, Brekke, Vekich, Kremen, Valle, Raiter, D. Sommers, Morris, Sprenkle, Ebersole, Wineberry, H. Sommers, Cole, Hine, Basich, Anderson, Van Luvan, Dellwo, Todd, Winsley, Sayan, Cooper, R. King, Crane, Rector, Brough, Zellinsky, Phillips, Pruitt, O'Brien, Nelson, Spanel, G. Fisher, Rasmussen, H. Myers and Fraser)

Establishing a plan for long-term care services.

The bill was read the second time.

There being no objection, the President Pro Tempore deferred further consideration of Engrossed Substitute House Bill No. 1968.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1172, by Representatives Belcher, Locke, R. Fisher, Sayan, K. Wilson, Rust, Hine, Miller, Ferguson, Dellwo, Spanel, Fraser and Brough

Revising requirements for natural resources conservation areas.

The bill was read the second time.

## MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 472, Laws of 1987 and RCW 79.71.010 are each amended to read as follows:

The legislature finds that: (1) ~~((That))~~ There is an increasing and continuing need by the people of Washington for certain areas of the state to be conserved, in rural as well as urban settings, for the benefit of present and future generations; (2) ~~((that))~~ such areas are worthy of conservation for their outstanding scenic and ecological values and provide opportunities for ~~((dispersed low impact public))~~ primitive recreation; (3) ~~((that))~~ in certain cases acquisition of property or rights in property is necessary to protect these areas for public purposes; and (4) ~~((that))~~ there is a need for ~~((an))~~ a state agency to act in an effective and timely manner to acquire interests in such areas and to develop appropriate management strategies for conservation purposes.

Sec. 2. Section 2, chapter 472, Laws of 1987 and RCW 79.71.020 are each amended to read as follows:

Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:

(1) Lands identified as having high priority for conservation, natural systems, wildlife, and ~~((dispersed recreational))~~ primitive recreation values;

(2) Prime natural features of the Washington landscape or portions thereof, inland or coastal wetlands, significant littoral, estuarine, or aquatic sites, or important archaeological, scenic, geological, or other features;

(3) Examples of native ecological communities; ~~((and))~~

(4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses; and

(5) An area of land or water, or land and water, which has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and which has retained to some degree or has reestablished its natural character.

Sec. 3. Section 3, chapter 472, Laws of 1987 and RCW 79.71.030 are each amended to read as follows:

As used in this chapter:

"Commissioner" shall mean the commissioner of public lands.

"Department" means the department of natural resources.

"Conservation purposes" include but are not limited to: (1) Maintaining, enhancing, or restoring ecological systems, including but not limited to aquatic, coastal, riparian, montane, and geological systems, whether such systems ~~((be))~~ are unique or typical to the state of Washington; (2) maintaining exceptional scenic landscapes; (3) maintaining habitat for threatened, endangered, and sensitive species; (4) enhancing sites for primitive recreational purposes; and (5) outdoor environmental education.

"Management ~~((for conservation purposes))~~ activities" may include limited production of income from forestry, agriculture, or other resource management activities, if such actions are consistent with the other purposes and requirements of this chapter.

~~((“Washington natural resources conservation area” is an area of land and/or water which retains to some degree or has reestablished its natural character, although it need not be completely undisturbed, or has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington.))~~ “Natural resources conservation area” or “conservation area” means an area having the characteristics identified in RCW 79.71.020 and designated by the legislature.

“Primitive recreation” includes various dispersed low-impact public recreational uses and improvements allowed under approved management plans.

“Reasonable cost” shall include costs of the department of natural resources arising out of the transfer of state-owned lands under its jurisdiction for the creation of natural resources conservation areas and the acquisition of replacement property, including appraisals of valuable materials including timber, and establishment of property lines.

Sec. 4. Section 5, chapter 472, Laws of 1987 and RCW 79.71.050 are each amended to read as follows:

(1) The department is authorized to conduct a deferred exchange to transfer ((fee simple interest or less than fee interests in trust land, as defined by Article XVI of the Washington Constitution.)) state-owned lands under its jurisdiction for the creation of natural resources conservation ((management)) areas, ((providing there is full)) provided that the department receives fair market value ((compensation)) for all rights transferred and compensation for all reasonable costs. ((The proceeds from such transfers shall be used for the exclusive purpose of acquiring real property to replace those interests utilized for the conservation area in order to meet the department’s fiduciary obligations and to maintain the productive land base of the various trusts.))

(2) The funds from the conservation area account to be used for the acquisition of such lands shall be deposited in the conservation area trust replacement fund, hereby created in the custody of the state treasurer. The conservation area trust replacement fund may only be used for acquisition of real property as a replacement for those lands transferred pursuant to this section and reimbursement of the department for all reasonable costs.

(3) Disbursements from the conservation area trust replacement fund shall be on the authorization of the board of natural resources. In order to maintain an effective expenditure and revenue control, the conservation area trust replacement fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

Sec. 5. Section 6, chapter 472, Laws of 1987 and RCW 79.71.060 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located. An area proposed for designation must contain resources consistent with ~~((the purposes of this chapter))~~ characteristics identified in RCW 79.71.020.

Sec. 6. Section 7, chapter 472, Laws of 1987 and RCW 79.71.070 are each amended to read as follows:

The department shall develop a management plan for each designated area. The plan shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for primitive recreation and environmental educational uses. The plan shall specify what types of management activities will be permitted, consistent with the conservation purposes of this chapter. The department shall make such plans available for review and comment by the public and other state, tribal, and local agencies, prior to final approval by the commissioner.

Sec. 7. Section 8, chapter 472, Laws of 1987 and RCW 79.71.080 are each amended to read as follows:

The department is authorized to administer natural ~~((resource(s)))~~ resources conservation areas and may enter into management agreements for these areas with federal agencies, other state agencies, local governments, and private nonprofit conservancy corporations, as defined in RCW 64.04.130, when such agreements are consistent with the purposes of acquisition as defined in the adopted site management plan. All management activities within a Washington natural resources conservation area will conform with the plan. Any moneys derived from the management of these areas in conformance with the adopted plan shall be deposited in the stewardship account established in RCW 79.71.090.

Sec. 8. Section 9, chapter 472, Laws of 1987 and RCW 79.71.090 are each amended to read as follows:

(1) There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, interest, and other monetary instruments of value. Income derived from the management of natural resources conservation areas shall also be deposited in this stewardship account.

(2) On June 30, 1991, the natural resources conservation area stewardship account shall have an irreducible amount equal to two million dollars. On June 30, 1993, the natural resources conservation area stewardship account shall have an irreducible amount equal to four million dollars.

(3) Appropriations from this account to the department shall be expended for no other purpose than to manage the areas approved by the legislature in fulfilling the purposes of this chapter and property acquired as natural area preserves under chapter 79.70 RCW.

Sec. 9. Section 11, chapter 472, Laws of 1987 and RCW 79.71.110 are each amended to read as follows:

The conservation area account is hereby established in the state treasury. The conservation area account shall consist of all moneys deposited under RCW 82.45.060(2) and any moneys which may be appropriated to it by law. Moneys in the conservation area account shall ((only)) be used for the acquisition of property or less than fee interest in property ((for)) in conformance with the purposes of this chapter and chapter 79.70 RCW.

NEW SECTION, Sec. 10. (1) A natural resources conservation area advisory council is hereby established. The council shall consist of twelve members, nine of whom will be appointed by the commissioner in accordance with the following:

(a) Five individuals who shall be recognized experts in ecological systems or related fields pertinent to the establishment of natural resources conservation areas from the public, academic, or private sectors; and

(b) Four individuals who shall be selected from different regions of the state.

(2) In addition to the members appointed by the commissioner, the director of the department of wildlife, the director of the state parks and recreation commission, and the supervisor of the department of natural resources, or an authorized representative of each agency officer, shall serve as ex officio, nonvoting members of the council.

(3) Any vacancy on the council shall be filled by appointment of the unexpired term by the commissioner.

(4) Members appointed under subsection (1) of this section shall serve for staggered terms of three years.

(5) Members of the council shall serve without compensation. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 11. (1) The advisory council shall:

(a) Elect a chairperson from the membership to serve for a one-year period;

(b) Meet at least annually and more frequently at the request of the chairperson;

(c) Develop evaluation criteria for selection of potential natural resources conservation areas;

(d) Review and evaluate nominated sites;

(e) Prepare a list of sites that meet the natural resources conservation area evaluation criteria.

(2) The commissioner, from the list prepared by the advisory committee, may select sites to be recommended to the legislature for designation as natural resources conservation areas.

NEW SECTION, Sec. 12. The department shall establish by rule the process for nomination of potential natural resources conservation areas from public and private entities, evaluation, and acquisition and management.

Sec. 13. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 472, Laws of 1987 and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. An amount equal to seven and seven-tenths percent of the proceeds of this tax to the state treasurer shall be deposited in the public works assistance account created in RCW 43.155.050.

(2) There is imposed an additional excise tax through June 30, ~~((1989))~~ 1993, upon each sale of real property at the rate of six one-hundredths of one percent of the selling price. The tax imposed under this subsection shall be deposited in the conservation area account under RCW 79.71.110.

NEW SECTION, Sec. 14. (1) The sum of two million dollars is appropriated from the conservation area account to the department of natural resources for the biennium ending June 30, 1991, to be deposited in the natural resources conservation area stewardship account, the interest from which is to be used for the operation and maintenance of natural resources conservation areas and natural area preserves.

(2) The sum of four hundred thousand dollars is appropriated from the natural resources conservation area stewardship account to the department of natural resources for the biennium ending June 30, 1991, for the maintenance and operation of natural resources conservation areas and natural area preserves.

NEW SECTION, Sec. 15. Sections 10 through 12 of this act are each added to chapter 79.71 RCW.

NEW SECTION, Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

## POINT OF ORDER

Senator Owen: "Mr. President, I rise to a point of order. I would challenge the committee amendment that it expands the scope and object of the bill. It institutes a tax. As the bill came over, it did not have a tax in it. Section, 13, I believe it is, institutes a new tax--or reinstates a tax--that was not in the bill as it came over, so in my opinion, it now exceeds the scope and object of the original bill."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 1172 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1560 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

## MOTION

On motion of Senator West, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 7, line 21, after "policies" insert ": PROVIDED, That this authorization to pay for health insurance shall cease on June 30, 1991, as to any coverage not initiated prior to that date"

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1560.

The committee amendment, as amended, was adopted.

## MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 74.09.730, 74.09.522, and 18.71.210; and adding a new section to chapter 70.24 RCW."

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1560, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1560, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1560, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Bauer, Kreidler, McCaslin, Moore, Sellar, Sutherland, West - 7.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1560, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1582, by Committee on Appropriations (originally sponsored by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson, Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers, Crane, Phillips and Brekke)

Establishing a before and after school child care pilot program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, line 19, insert the following:

**\*NEW SECTION, Sec. 2.** A new section is added to chapter 28A.34 RCW to read as follows:

By December 1, 1989, the office of the superintendent of public instruction shall adopt rules providing for minimum standards for before-and-after school care programs operated by school districts to assure the provision of quality developmentally appropriate care in before-and-after school child care programs including but not limited to staff qualifications, child to adult ratio, facility requirements, and program content. The rules shall be developed and adopted in consultation with the department of social and health services. In developing the rules, both the office of the superintendent of public instruction and the department of social and health services shall work with the child care coordinating committee under RCW 74.13.090."

On motion of Senator Bailey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, after "74.12.340" insert "; and adding a new section to chapter 28A.34 RCW"

#### MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1582, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1582, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1582, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Amondson, Barr, Craswell, McCaslin, McDonald, Newhouse - 6.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

**SUBSTITUTE HOUSE BILL NO. 1582**, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

#### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1711**, by Committee on Commerce and Labor (originally sponsored by Representatives Cole, R. King, Winsley, Jacobsen, Wood, Wang, Patrick, Anderson, Wineberry, Walker and Todd)

Creating a crime prevention employee training program for businesses during late night hours.

The bill was read the second time.

#### MOTIONS

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION, Sec. 1.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Department" means the department of labor and industries.

(2) "Late night retail establishment" means any business or commercial establishment making sales to the public between the hours of eleven o'clock p.m. and six o'clock a.m., except restaurants, hotels, taverns, or any lodging facility.

(3) "Employer" means the operator, lessee, or franchisee of a late night retail establishment.

**NEW SECTION.** Sec. 2. All employers operating late night retail establishments shall provide to their employees crime prevention training. Such crime prevention training shall be a part of the accident prevention program requirements imposed pursuant to the Washington industrial safety and health act of 1973, chapter 49.17 RCW, and shall be limited to:

(1) Providing a training manual containing security policies, safety and security procedures, and personal safety and crime avoidance techniques; and

(2) Attendance at a training seminar or training video presentation.

**NEW SECTION.** Sec. 3. In addition to providing crime prevention training as provided in section 2 of this act, all employers operating late night retail establishments shall:

(1) Post a conspicuous sign in the window or door which states that there is a safe on the premises and it is not accessible to the employees on the premises and that the cash register has fifty dollars or less in it; PROVIDED, That an employer shall not be subject to penalties under section 4 of this act for having moneys in the cash register in excess of fifty dollars;

(2) So arrange all material posted in the window or door so as to provide a clear and unobstructed view of the cash register, provided the cash register is otherwise in a position visible from the street;

(3) Have a drop-safe, limited access safe, or comparable device on the premises; and

(4) Operate the outside lights for the parking area during all night hours the late night retail establishment is open, if the late night retail establishment has a parking area for its customers.

**NEW SECTION.** Sec. 4. The requirements of this chapter shall be implemented and enforced, including rules, citations, violations, penalties, appeals, and other administrative procedures by the director of the department of labor and industries pursuant to the Washington industrial safety and health act of 1973, chapter 49.17 RCW.

**NEW SECTION.** Sec. 5. It is the sole responsibility of the employer to comply with the provisions of this chapter.

**NEW SECTION.** Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 49 RCW.

**NEW SECTION.** Sec. 7. This act shall take effect January 1, 1990. The director of the department of labor and industries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On motion of Senator Owen, the following amendments by Senators Owen and Lee to the Committee on Economic Development and Labor amendment were considered simultaneously and were adopted:

On page 2, line 1, after "manual" insert "developed and distributed by the department to employers or a manual which has been certified by the department pursuant to section 2 of this act"

On page 2, line 8, after "presentation" insert "developed and distributed by the department or at a training seminar or training video presentation certified by the department pursuant to section 2 of this act"

On page 2, line 19, after "premises" strike all material through "dollars" on line 25 and insert "and that the cash register contains only the minimal amount of cash needed to conduct business: PROVIDED, That an employer shall not be subject to penalties under section 4 of this act for having moneys in the cash register in excess of the minimal amount needed to conduct business"

On page 2, line 36, strike "the parking area" and insert "that portion of the parking area that is necessary to accommodate customers"

On page 3, line 18, after "chapter" insert ": PROVIDED, That no employer is subject to the penalties for noncompliance with section 2 of this act if the training manual was provided to employees and the employer gave written notice to the employees of the time, date, and place of the training seminar or video presentation"

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor amendment, as amended, to Substitute House Bill No. 1711.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 2 of the title, after "hours;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."



On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1711, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1711, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1711, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Amondson, Anderson, Metcalf, Nelson, Pullen, Thorsness - 6.

Absent: Senator Bluechel - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1711, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1405, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Jacobsen, H. Sommers, Prince, Wood, Spanel, Locke, O'Brien, Heavey, Miller, Brekke, Basich, Sayan, Phillips and Crane) (by request of Governor Gardner)

Regarding building fees for higher education.

The bill was read the second time.

#### MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

In addition to the tuition and fees imposed under RCW 28B.15.202, 28B.15.402, and 28B.15.502, the boards of regents or trustees at each of the state's regional and state universities, The Evergreen State College, and the state's community colleges may impose a building fee surcharge in the manner provided in this section.

The building fee surcharge shall be expressed as a percentage of tuition fees as defined in RCW 28B.15.020. The building fee surcharge shall not exceed ten percent of tuition fees and shall not apply to the summer term. For each state fiscal biennium, the respective board may impose the surcharge by November 10 of the year prior to the beginning of the fiscal biennium. Any subsequent modification of the surcharge shall not take effect until the end of the fiscal biennium for which the surcharge was imposed. Once imposed, the building fee surcharge shall not be reduced by the respective board if the reduction will result in the inability of the applicable bond retirement fund to pay the principal and interest on bonds for which the building fee surcharge revenue was pledged.

No surcharge under this section may be imposed or increased by the board of regents or trustees without the consultation of the student services and activities fee committee established under RCW 28B.15.045.

If a building fee surcharge is imposed under this section in a community college district with more than one campus, the surcharge shall apply uniformly to all campuses of that district.

The revenue generated from the building fee surcharge, together with a matching amount of operating fee revenue, shall be deposited in the state treasury as provided in RCW 28B.15.025 and shall be used solely for the capital purposes of the individual institution of higher education imposing the surcharge.

It is the intent of this section to provide additional resources to the state's institutions of higher education to address the institutions' unmet needs for capital improvements. The imposition of a surcharge by an institution of higher education under this section shall not be a prerequisite to the receipt by that institution of other appropriations for capital improvements.

Sec. 2. Section 12, chapter 390, Laws of 1985 and RCW 28B.15.025 are each amended to read as follows:

The term "building fees" means the building fees imposed under RCW 28B.15.202, 28B.15.402, and 28B.15.502 and the building fee surcharge and matching funds authorized under section 1 of this act charged students registering at the state's colleges and universities(~~(-which)~~); The building fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370; and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370. The community college building fee surcharge and matching funds shall be paid into the state treasury and deposited in the community college capital projects account pursuant to RCW 28B.50.360(2). The term "building fees" is a renaming of the "general tuition fee," and shall not be construed to affect otherwise moneys pledged to, or used for bond retirement purposes.

Sec. 3. Section 2, chapter 257, Laws of 1981 as last amended by section 1, chapter 42, Laws of 1986 and RCW 28B.15.067 are each amended to read as follows:

Except as provided in section 1 of this act, tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987-88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund.

Sec. 4. Section 20, chapter 15, Laws of 1970 ex. sess. as last amended by section 16, chapter 57, Laws of 1985 and by section 56, chapter 390, Laws of 1985 and RCW 28B.50.360 are each reenacted and amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Except as provided in RCW 28B.15.025, within thirty-five days from the date of start of each quarter all building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. All earnings of investments of balances in the community college capital projects account shall be credited to the general fund.

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding building bonds of the college board payable from the community college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. This subsection does not apply to the building fee surcharge and matching funds authorized under section 1 of this act.

Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college building bonds from some source other than the community college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

(4) The revenue from the building fee surcharge and matching funds authorized under section 1 of this act is not obligated to the payment of principal or interest on any bond issued prior to the effective date of this act or any bond for which the building fee surcharge and matching fund revenue was not specifically pledged.

Sec. 5. Section 6, chapter 257, Laws of 1981 as last amended by section 19, chapter 390, Laws of 1985 and RCW 28B.15.202 are each amended to read as follows:

Tuition fees and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one-third of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be one hundred and twenty dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be one hundred and twenty dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) above: PROVIDED, That ((the building fees for each academic year shall be three hundred and forty-two dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be three hundred and fifty-four dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be four thousand and seventy-four dollars, and thereafter such fees shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be three hundred and fifty-four dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) above: PROVIDED, That ((the building fees for each academic year shall be five hundred and fifty-five dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 6. Section 7, chapter 257, Laws of 1981 as last amended by section 24, chapter 390, Laws of 1985 and RCW 28B.15.402 are each amended to read as follows:

Tuition fees and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be seventy-six dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year thereafter shall be seventy-six dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(4) For full time nonresident graduate students, the total of tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 7. Section 8, chapter 257, Laws of 1981 as last amended by section 25, chapter 390, Laws of 1985 and RCW 28B.15.502 are each amended to read as follows:

Tuition fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal twenty percent of the tuition level established in this subsection.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be four hundred and three dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal twenty percent of the tuition level established in this subsection.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may

determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 8. Sections 5 through 7 of this act shall take effect July 1, 1991."

Senator Talmadge moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 2, line 11 of the amendment, strike "consultation" and insert "approval"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, line 11, to the Committee on Ways and Means amendment to Substitute House Bill No. 1405.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

#### POINT OF ORDER

Senator Talmadge: "Madam President, I rise to a point of order. I believe the Senate Committee on Ways and Means amendment to Substitute House Bill No. 1405 expands the scope and object of the bill. The bill as it came over to us from the House is a bill calculated to deal with the issue of building fees and the state higher educational system. It was designed to deal with the question of capital construction in the university system. The amendment by the Senate Ways and Means Committee purports to establish local options in which to increase the authority in the hands of the decision making bodies on the various campuses. This has been the subject of separate legislation historically. I believe this new and extraordinary authority clearly expands the scope and object of the bill which was originally designed to deal with the dedication of building fees."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1405 was deferred.

#### SECOND READING

HOUSE BILL NO. 1241, by Representative Braddock (by request of Director of Department of Licensing)

Adjusting terms for members of the examining board of psychology.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1241.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1241 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Owen, Sutherland - 2.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

HOUSE BILL NO. 1241, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1504 and the pending amendments, the first on page 3, after line 3, by Senators Kreidler, Thorsness, Craswell, Murray, Metcalf and Williams, and

the second on page 3, after line 28, by Senators Murray, Kreidler, Craswell and Rinehart, deferred April 12, 1989.

#### WITHDRAWAL OF AMENDMENT

There being no objection, on motion of Senator Kreidler, the amendment on page 3, after line 3, was withdrawn.

#### WITHDRAWAL OF AMENDMENT

There being no objection, on motion of Senator Murray, the amendment on page 3, after line 28, was withdrawn.

#### MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1504 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1504.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1504 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Barr - 1.

Absent: Senators Bluechel, Sutherland - 2.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1478, by Representatives Braddock, Brooks and D. Sommers (by request of Board of Pharmacy)

Regulating the board of pharmacy.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Health Care and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 17, chapter 90, Laws of 1979 as last amended by section 5, chapter 153, Laws of 1984 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper registered (~~or exempt from registration~~) as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. (~~Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.~~)

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the (~~board~~) secretary for registration, and on a date to be determined by the (~~board~~) secretary thereafter the fee determined by the (~~board~~) secretary for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the (~~board~~) secretary under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 2. Section 1, chapter 28, Laws of 1939 as amended by section 15, chapter 90, Laws of 1979 and RCW 18.64.245 are each amended to read as follows:

Every proprietor or manager of a pharmacy shall keep readily available a suitable record of prescriptions which shall preserve for a period of not less than ~~((five))~~ two years the record of every prescription dispensed at such pharmacy which shall be numbered, dated, and filed, and shall produce the same in court or before any grand jury whenever lawfully required to do so. The record shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy. All record-keeping requirements for controlled substances must be complied with. Such record of prescriptions shall be for confidential use in the pharmacy, only: PROVIDED, That the record of prescriptions shall be open for inspection by the board of pharmacy or any officer of the law, who is authorized to enforce chapter 18.64, 69.41, or 69.50 RCW.

Sec. 3. Section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 10, chapter 153, Laws of 1984 and RCW 18.64.080 are each amended to read as follows:

(1) The ~~((state board of pharmacy))~~ department may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age ~~((and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien))~~;

(b) Has satisfied the board that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;

(e) Has satisfactorily passed the necessary examinations ~~((given))~~ approved by the board and administered by the department.

(2) The ~~((state board of pharmacy))~~ department shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The ~~((said))~~ examination shall be determined by the board. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the ~~((board))~~ secretary for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the ~~((board))~~ department shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) Any person enrolled as a student of pharmacy in an accredited college may file with the ~~((state board of pharmacy))~~ department an application for registration as a pharmacy intern in which ~~((said))~~ application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the ~~((board))~~ department a fee to be determined by the ~~((board))~~ secretary. All certificates issued to pharmacy interns shall be valid for a period to be determined by the board, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation, provided however, the board may issue an intern certificate to a person to complete an internship to be eligible for initial licensure or for the reinstatement of a previously licensed pharmacist.

(4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(5) The ~~((board))~~ department may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is currently licensed as a pharmacist in any other state, territory, or possession of the United States: PROVIDED, That the ~~((said))~~ person shall produce evidence satisfactory to the ~~((board))~~ department of having had the required secondary and professional

education and training and who was licensed as a pharmacist by examination in another state prior to June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time he or she became licensed in such other state: PROVIDED FURTHER, That the state in which ~~(said)~~ the person is licensed shall under similar conditions grant reciprocal licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee determined by the ~~(board)~~ department.

(6) The ~~(board)~~ department shall provide for, regulate, and require all persons licensed as pharmacists to renew their license periodically, and shall prescribe the form of such license and information required to be submitted by all applicants.

Sec. 4. Section 15, chapter 38, Laws of 1963 as amended by section 14, chapter 90, Laws of 1979 and RCW 18.64.165 are each amended to read as follows:

The board shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, pharmacy, shopkeeper, itinerant vendor, ~~(or)~~ peddler, poison distributor, or precursor chemical distributor upon proof that:

(1) The license was procured through fraud, misrepresentation, or deceit;

(2) The licensee has violated or has permitted any employee to violate any of the laws of this state or the United States relating to drugs, controlled substances, cosmetics, or nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy or has been convicted of a felony.

NEW SECTION, Sec. 5. A new section is added to chapter 69.41 RCW to read as follows:

A pharmaceutical manufacturer, wholesaler, pharmacy, or practitioner who purchases, dispenses, or distributes legend drugs shall maintain invoices or such other records as are necessary to account for the receipt and disposition of the legend drugs.

The records maintained pursuant to this section shall be available for inspection by the board and its authorized representatives and shall be maintained for two years.

NEW SECTION, Sec. 6. A new section is added to chapter 69.41 RCW to read as follows:

All records, reports, and information obtained by the board or its authorized representatives from or on behalf of a pharmaceutical manufacturer, representative of a manufacturer, wholesaler, pharmacy, or practitioner who purchases, dispenses, or distributes legend drugs under this chapter are confidential and exempt from public inspection and copying under chapter 42.17 RCW. Nothing in this section restricts the investigations or the proceedings of the board so long as the board and its authorized representatives comply with the provisions of chapter 42.17 RCW.

Sec. 7. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987, and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.



(l) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) ~~(Except as provided under section 2 of this 1987 act (1987 c 404 § 2):)~~ All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in section 6 of this act.

(2) Except for information described in subsection (1)(c)(l) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 8. Section 2, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.020 are each amended to read as follows:

Legend drugs shall not be sold, delivered, dispensed or administered except in accordance with this chapter.

(1) No person shall obtain or attempt to obtain a legend drug, or procure or attempt to procure the administration of a legend drug:

(a) By fraud, deceit, misrepresentation, or subterfuge; or

(b) By the forgery or alteration of a prescription or of any written order; or

(c) By the concealment of a material fact; or

(d) By the use of a false name or the giving of a false address.

(2) Information communicated to a practitioner in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall willfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a legend drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, or any practitioner.

(5) No person shall make or utter any false or forged prescription or other written order for legend drugs.

(6) No person shall affix any false or forged label to a package or receptacle containing legend drugs.

(7) No person shall willfully fail to maintain the records required by section 5 of this act.

Sec. 9. Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 153, Laws of 1984 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy and ~~((administer and))~~ enforce all laws placed under its jurisdiction;

(2) Prepare~~((, grade, and administer))~~ or determine the nature of, and supervise the grading ~~((and administration))~~ of, examinations for applicants for pharmacists' licenses;

(3) ~~((Examine, inspect, and investigate all applicants for license as))~~ Establish the qualifications for licensure of pharmacists or pharmacy interns ((and grant licenses to all applicants whom it shall judge to be properly qualified)):

(4) ~~((Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the board. In cases where there are unanticipated demands for services the board may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the board from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management:~~

~~((5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;~~

~~((6) Investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;~~

~~((7) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;~~

~~((8)) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW;~~

~~((9))~~ (5) Issue subpoenas and administer oaths in connection with any ~~((investigation;))~~ hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;

~~((10))~~ (6) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

~~((11))~~ (7) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;

~~((12))~~ (8) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;

~~((13))~~ (9) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed ~~((in good faith))~~ as members of such board. Such immunity shall apply to employees of the ~~((board when acting at the direction of the board in the course of disciplinary proceedings))~~ department;

~~((14))~~ (10) Establish an interdepartmental coordinating committee on drug misuse, diversion, and abuse, composed of one member from each caucus of the house of representatives and senate, the superintendent of public instruction, the ~~((director))~~ secretary of ~~((licensing))~~ health, the executive secretary of the criminal justice training commission, the chief of the Washington state patrol, the secretary of social and health services, director of the traffic safety commission, representatives of prescribing, delivering, and dispensing health care practitioner boards, the attorney general, the director of the department of labor and industries, a representative of local law enforcement agencies, and the executive officer of the board of pharmacy, or their designees. The committee shall meet at least twice annually at the call of the executive officer of the board of pharmacy who shall serve as chairperson of the committee. The committee shall advise the board of pharmacy in all matters related to its powers and duties delineated in subsections ~~((15), (16), (17), (18) and (19))~~ (11), (12), (13), (14) and (15) of

this section, and shall report to the legislature each biennium on the results of its and the board's activity under those subsections;

((+5)) (11) Provide for the coordination and exchange of information on state programs relating to drug misuse, diversion, and abuse, and act as a permanent liaison among the departments and agencies engaged in activities concerning the legal and illegal use of drugs;

((+6)) (12) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

((+7)) (13) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

((+8)) (14) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

((+9)) (15) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, ~~(the department of licensing)~~ and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the ~~(board)~~ department. The ~~(board)~~ department shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

NEW SECTION, Sec. 10. A new section is added to chapter 18.64 RCW to read as follows:

The department shall:

(1) Establish reasonable license and examination fees and fees for services to other agencies in accordance with section 316 of Engrossed Substitute House Bill No. 1324. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ, with confirmation by the board, an executive officer who shall be exempt from the provisions of chapter 41.06 RCW and who shall be a pharmacist licensed in Washington, and employ inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, at the direction of the board, including use of subpoena powers, violations of law or regulations under its jurisdiction or the jurisdiction of the board of pharmacy;

(4) Make, at the direction of the board, inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law. The agreement between the department and the board, as required by section 301(2) of Engrossed Substitute House Bill No. 1324 shall include provisions for the department to involve the board in carrying out its duties required by this section.

Sec. 11. Section 1, chapter 82, Laws of 1969 ex. sess. as last amended by section 59, chapter 7, Laws of 1985 and RCW 18.64.009 are each amended to read as follows:

Employees of the ~~(Washington state board of pharmacy)~~ department, who are designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, 69.04, 69.36, 69.40, 69.41, and 69.50 RCW and all other laws ~~(administered)~~ enforced by the board.

Sec. 12. Section 1, chapter 38, Laws of 1963 as last amended by section 3, chapter 153, Laws of 1984 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

- (c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or
- (d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.
- (4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.
- (5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.
- (6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.
- (7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.
- (8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.
- (9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.
- (10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.
- (11) "Practice of pharmacy" includes the practice of and responsibility for: interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.
- (12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.
- (13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.
- (14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.
- (15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.
- (16) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.
- (17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.
- (18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.
- (19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.
- (20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.
- (21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.
- (22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.
- (23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) "Department" means the department of health.

(26) "Secretary" means the secretary of the department of health or the secretary's designee.

Sec. 13. Section 10, chapter 121, Laws of 1899 as last amended by section 7, chapter 90, Laws of 1979 and RCW 18.64.040 are each amended to read as follows:

Every applicant for license examination under this chapter shall pay the sum determined by the ~~((board))~~ secretary under section 316 of Engrossed Substitute House Bill No. 1324 before the examination is attempted.

Sec. 14. Section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1984 and RCW 18.64.043 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the ~~((board))~~ secretary, and annually thereafter, on or before a date to be determined by the ~~((board))~~ secretary, a fee to be determined by the ~~((board))~~ secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the ~~((board))~~ secretary may approve, for the period ending on a date to be determined by the ~~((board))~~ secretary, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the ~~((state board of pharmacy))~~ department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the ~~((board))~~ department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 15. Section 5, chapter 153, Laws of 1949 as last amended by section 6, chapter 153, Laws of 1984 and RCW 18.64.045 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the ~~((board))~~ secretary, and thereafter, on or before a date to be determined by the ~~((board))~~ secretary, a fee to be determined by the ~~((board))~~ secretary, for which the owner shall receive a license of location from the ~~((state board of pharmacy))~~ department, which shall entitle the owner to manufacture drugs at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the ~~((state board of pharmacy))~~ department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ~~((board))~~ department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 16. Section 18, chapter 90, Laws of 1979 as amended by section 7, chapter 153, Laws of 1984 and RCW 18.64.046 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the ~~((board))~~ secretary, and thereafter, on or before a date to be determined by the ~~((board))~~ secretary, a like fee to be determined by the ~~((board))~~ secretary, for which the owner shall receive a license of location from the ~~((state board of pharmacy))~~ department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the ~~((state board of pharmacy))~~ department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ~~((board))~~ department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In

event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 17. Section 16, chapter 121, Laws of 1899 as last amended by section 8, chapter 153, Laws of 1984 and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the ~~((board))~~ secretary on a date to be determined by the ~~((board))~~ secretary. The ~~((state board of pharmacy))~~ department may issue a registration to such vendor on an approved application made to the ~~((state board of pharmacy))~~ department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid for sixty days from date due, no renewal or new registration shall be issued except upon payment of the registration renewal fee and a penalty fee equal to the renewal fee. This registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 18. Section 9, chapter 98, Laws of 1935 as last amended by section 9, chapter 153, Laws of 1984 and RCW 18.64.050 are each amended to read as follows:

In the event that a license or certificate issued by the ~~((board of pharmacy))~~ department is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the ~~((board of pharmacy))~~ department and the payment of a fee determined by the ~~((board of pharmacy))~~ secretary.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee determined by the ~~((board of pharmacy))~~ secretary.

Sec. 19. Section 11, chapter 121, Laws of 1899 as last amended by section 11, chapter 153, Laws of 1984 and RCW 18.64.140 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the ~~((board))~~ department a license, the fee for which shall be determined by the ~~((board))~~ secretary. The renewal fee shall also be determined by the ~~((board))~~ secretary. The date of renewal may be established by the ~~((board))~~ secretary by regulation and the ~~((board))~~ department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the ~~((board))~~ department an inactive license. The initial license and renewal fees shall be determined by the ~~((board))~~ secretary. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 20. Section 1, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.010 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) "Board" means the state board of pharmacy;
- (2) "Department" means the department of health;
- (3) "Secretary" means the secretary of the department of health or the secretary's designee.

~~((2))~~ (4) "Pharmacist" means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy;

~~((3))~~ (5) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted;

~~((4))~~ (6) "Pharmacy assistant level A" means:

(a) A person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to perform nondiscretionary functions associated with the practice of pharmacy; or

(b) A person who is a graduate with a degree in pharmacy or medicine of a foreign school, university, or college recognized by the board;

~~((5))~~ (7) "Pharmacy assistant level B" means a person certified by the board to perform limited functions in the pharmacy;

~~((6))~~ (8) "Practice of pharmacy" means the definition given in RCW 18.64.011, as now or hereafter amended.

Sec. 21. Section 3, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.030 are each amended to read as follows:

The board shall adopt, in accordance with chapter ~~((34-04))~~ 34.05 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with the practice of pharmacy during training and after successful completion of a training course. Such regulations shall provide for the certification of pharmacy assistants by the department at a ~~((uniform annual))~~ fee ~~((to be))~~ determined by the ~~((board))~~ secretary under section 316 of Engrossed Substitute House Bill No. 1324 according to the following levels of classification:

(1) "Level A pharmacy assistants" may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) "Level B pharmacy assistants" may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refilling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

Sec. 22. Section 5, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.050 are each amended to read as follows:

The board of pharmacy shall have the power to refuse, suspend, or revoke the certificate of any pharmacy assistant upon proof that:

(1) His or her certificate was procured through fraud, misrepresentation or deceit;

(2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics or drug sundries by any court of competent jurisdiction: PROVIDED, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(3) He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;

(4) He or she has exhibited gross incompetency in the performance of his or her duties;

(5) He or she has willfully or repeatedly violated any of the rules and regulations of the board of pharmacy or of the department;

(6) He or she has willfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter; or

(7) He or she has impersonated a licensed pharmacist.

In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW.

Sec. 23. Section 6, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.060 are each amended to read as follows:

No pharmacy licensed in this state shall utilize the services of pharmacy assistants without approval of the board.

Any pharmacy licensed in this state may apply to the board for permission to use the services of pharmacy assistants. The application shall be accompanied by a uniform fee to be determined by the ~~((board))~~ secretary, shall detail the manner and extent to which the pharmacy assistants would be used and supervised, and shall provide other information in such form as the ~~((board))~~ secretary may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of pharmacy assistants and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a uniform fee as determined by the ~~((board))~~ secretary. Whenever it appears to the board that a pharmacy assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of approval, a hearing shall be conducted in accordance with chapter 18.64 RCW, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW.

Sec. 24. Section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 153, Laws of 1984 and RCW 69.41.010 are each amended to read as follows:

As used in this chapter, the following terms has the meaning indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) "Department" means the department of health.

(4) "Secretary" means the secretary of the department of health or the secretary's designee.

((3)) (5) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

((4)) (6) "Dispenser" means a practitioner who dispenses.

((5)) (7) "Distribute" means to deliver other than by administering or dispensing a legend drug.

((6)) (8) "Distributor" means a person who distributes.

((7)) (9) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

((8)) (10) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

((9)) (11) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

((10)) (12) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, an osteopathic physician's assistant under chapter 18.57A RCW, or a physician's assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

Sec. 25. Section 3, chapter 139, Laws of 1979 ex. sess. and RCW 69.41.075 are each amended to read as follows:

The state board of pharmacy may make such rules for the enforcement ~~((and administration))~~ of this chapter as are deemed necessary or advisable. The board shall identify, by rule-making pursuant to chapter ~~((34.04))~~ 34.05 RCW, those drugs which may be dispensed only on prescription or are restricted to use by practitioners, only. In so doing the board shall consider the toxicity or other potentiality for harmful effect of the drug, the method of its use, and any collateral safeguards necessary to its use. The board shall classify a drug as a legend drug where these considerations indicate the drug is not safe for use except under the supervision of a practitioner.

In identifying legend drugs the board may incorporate in its rules lists of drugs contained in commercial pharmaceutical publications by making specific reference to each such list and the date and edition of the commercial publication containing it. Any such lists so incorporated shall be available for public inspection at the headquarters of the ~~((state board of pharmacy))~~ department of health and shall be available on request from the ~~((board))~~ department of health upon payment of a reasonable fee to be set by the ~~((board))~~ department.

Sec. 26. Section 3, chapter 83, Laws of 1980 and RCW 69.41.220 are each amended to read as follows:

Each manufacturer and/or distributor shall publish and provide to the board by filing with the department printed material which will identify each current imprint used by the manufacturer or distributor ~~((and))~~. The board shall be notified of any change by the filing of any change with the department. This information shall be provided by the ~~((board))~~ department to all pharmacies licensed in the state of Washington, poison control centers, and hospital emergency rooms.

Sec. 27. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 144, Laws of 1987 and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.



(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Secretary" means the secretary of the department of health or the secretary's designee.

((g)) (i) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

((h)) (j) "Dispenser" means a practitioner who dispenses.

((i)) (k) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

((j)) (l) "Distributor" means a person who distributes.

((k)) (m) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

((l)) (n) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

((m)) (o) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

((n)) (p) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

((o)) (q) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

((p)) (r) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

((q)) (s) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

((r)) (t) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

((s)) (u) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((t)) (v) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

((u)) (w) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

((v)) (x) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

((w)) (y) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

((x)) (z) "Board" means the state board of pharmacy.

~~((y)) "Executive officer" means the executive officer of the state board of pharmacy.))~~

Sec. 28. Section 69.50.201, chapter 308, Laws of 1971 ex. sess. as amended by section 2, chapter 124, Laws of 1986 and RCW 69.50.201 are each amended to read as follows:

(a) The state board of pharmacy shall ~~((administer))~~ enforce this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter ~~((34.04))~~ 34.05 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability;

(8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter ~~((34.04))~~ 34.05 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the drug

enforcement administration, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

(g) On or before December 1 of each year, the board shall inform the committees of reference of the legislature of the controlled substances added, deleted, or changed on the schedules specified in this chapter and which includes an explanation of these actions.

Sec. 29. Section 69.50.301, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.301 are each amended to read as follows:

The state board of pharmacy may promulgate rules and ~~((charge reasonable))~~ the secretary may set fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

Sec. 30. Section 69.50.302, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.302 are each amended to read as follows:

(a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the ~~((state board of pharmacy))~~ department in accordance with ~~((its))~~ the board's rules.

(b) Persons registered by the ~~((board))~~ department under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this chapter:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners without an order;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this chapter unless the specific exemption is denied pursuant to RCW 69.50.305 for violation of any provisions of this chapter.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The ~~((board))~~ department may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

Sec. 31. Section 69.50.303, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.303 are each amended to read as follows:

(a) The ~~((state board of pharmacy))~~ department shall register an applicant to manufacture or distribute controlled substances included in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless ~~((#))~~ the board determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under RCW 69.50.302(d), to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal

law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration entitles them to be registered under this chapter upon application and payment of the required fee.

Sec. 32. Section 69.50.304, chapter 308, Laws of 1971 ex. sess. as amended by section 8, chapter 124, Laws of 1986 and RCW 69.50.304 are each amended to read as follows:

(a) A registration, or exemption from registration, under RCW 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this chapter;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance;

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has violated any state or federal rule or regulation regarding controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The ~~(board)~~ department shall promptly notify the drug enforcement administration of all orders suspending or revoking registration and all forfeitures of controlled substances.

Sec. 33. Section 1, chapter 197, Laws of 1977 ex. sess. and RCW 69.50.310 are each amended to read as follows:

On and after September 21, 1977, a humane society and animal control agency may apply to the ~~(state board of pharmacy)~~ department for registration pursuant to the applicable provisions of this chapter for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals. Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug.

The ~~(board)~~ department may issue a limited registration to carry out the provisions of this section. The board shall promulgate such rules as it deems necessary to insure strict compliance with the provisions of this section. The board may suspend or revoke registration upon determination that the person administering sodium pentobarbital has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke registration as provided by law.

Sec. 34. Section 20, chapter 153, Laws of 1984 and RCW 69.50.311 are each amended to read as follows:

Any licensed health care practitioner with prescription or dispensing authority shall, as a condition of licensure and as directed by the practitioner's disciplinary board, consent to the requirement, if imposed, of complying with a triplicate prescription form program as may be established by rule by the department of ~~(licensing)~~ health.

Sec. 35. Section 69.50.500, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.500 are each amended to read as follows:

(a) It is hereby made the duty of the state board of pharmacy, ~~(the)~~ the department, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

(b) Employees of the ~~(Washington state board of pharmacy)~~ department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

Sec. 36. Section 3, chapter 136, Laws of 1979 and RCW 69.51.030 are each amended to read as follows:

As used in this chapter:

(1) "Board" means the state board of pharmacy;

~~(2)~~ "Department" means the department of health.

~~(3)~~ (3) "Marijuana" means all parts of the plant of the genus Cannabis L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every

compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin; and

~~((3))~~ (4) "Practitioner" means a physician licensed pursuant to chapter 18.71 or 18.57 RCW. Sec. 37. Section 4, chapter 136, Laws of 1979 and RCW 69.51.040 are each amended to read as follows:

(1) There is established in the board the controlled substances therapeutic research program. The program shall be administered by the ~~((board))~~ department. The board shall promulgate rules necessary for the proper administration of the Controlled Substances Therapeutic Research Act. In such promulgation, the board shall take into consideration those pertinent rules promulgated by the United States drug enforcement agency, the food and drug administration, and the national institute on drug abuse.

(2) Except as provided in RCW 69.51.050(4), the controlled substances therapeutic research program shall be limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the patient qualification review committee by a practitioner as being involved in a life-threatening or sense-threatening situation: PROVIDED, That no patient may be admitted to the controlled substances therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment in accordance with the informed consent provisions of chapter 7.70 RCW.

(3) The board shall provide by rule for a program of registration with the department of bona fide controlled substance therapeutic research projects.

Sec. 38. Section 6, chapter 34, Laws of 1987 and RCW 69.38.060 are each amended to read as follows:

The state board of pharmacy, after consulting with the department of ~~((licensing))~~ health, shall require and provide for the annual licensure of every person now or hereafter engaged in manufacturing or selling poisons within this state. Upon a payment of a fee as set by the ~~((board, the board))~~ department, the department shall issue a license in such form as it may prescribe to such manufacturer or seller. Such license shall be displayed in a conspicuous place in such manufacturer's or seller's place of business for which it is issued.

Any person manufacturing or selling poison within this state without a license is guilty of a misdemeanor.

Sec. 39. Section 4, chapter 147, Laws of 1988 and RCW 69.43.040 are each amended to read as follows:

(1) The ~~((state board of pharmacy))~~ department of health, in accordance with rules developed by the state board of pharmacy shall provide a common reporting form for the substances in RCW 69.43.010 that contains at least the following information:

- (a) Name of the substance;
- (b) Quantity of the substance sold, transferred, or furnished;
- (c) The date the substance was sold, transferred, or furnished;
- (d) The name and address of the person buying or receiving the substance; and
- (e) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing the substance.

(2) Monthly reports authorized under subsection (1)(e) of this section may be computer-generated in accordance with rules adopted by the ~~((state board of pharmacy))~~ department.

Sec. 40. Section 5, chapter 147, Laws of 1988 and RCW 69.43.050 are each amended to read as follows:

- (1) The state board of pharmacy may adopt all rules necessary to carry out this chapter.
- (2) Notwithstanding subsection (1) of this section, the department of health may adopt rules necessary for the administration of this chapter.

Sec. 41. Section 9, chapter 147, Laws of 1988 and RCW 69.43.090 are each amended to read as follows:

(1) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance specified in RCW 69.43.010 to a person in this state or who receives from a source outside of the state any substance specified in RCW 69.43.010 shall obtain a permit for the conduct of that business from the state board of pharmacy. However, a permit shall not be required of any manufacturer, wholesaler, retailer, or other person for the sale, transfer, furnishing, or receipt of any drug that contains ephedrine, phenylpropranolamine, or pseudoephedrine, or of any cosmetic that contains a substance specified in RCW 69.43.010(1), if such drug or cosmetic is lawfully sold, transferred, or furnished over the counter without a prescription or by a prescription under chapter 69.04 or 69.41 RCW.

(2) Applications for permits shall be filed with the department in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant, and a full description of any substance sold, transferred, or otherwise furnished, or received.

(3) The board may grant permits on forms prescribed by it. The permits shall be effective for not more than one year from the date of issuance.

(4) Each applicant shall pay at the time of filing an application for a permit a fee determined by the ~~((board))~~ department.

(5) A permit granted under this chapter may be renewed on a date to be determined by the board, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee determined by the department.

(6) Permit fees charged by the ~~((board))~~ department shall not exceed the costs incurred by the ~~((board))~~ department in administering this chapter.

(7) Selling, transferring, or otherwise furnishing, or receiving any substance specified in RCW 69.43.010 without a required permit, is a gross misdemeanor.

Sec. 42. Section 1, chapter 411, Laws of 1987 and RCW 69.45.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Board" means the board of pharmacy.

(2) "Drug samples" means any federal food and drug administration approved controlled substance, legend drug, or products requiring prescriptions in this state, which is distributed at no charge to a practitioner by a manufacturer or a manufacturer's representative, exclusive of drugs under clinical investigations approved by the federal food and drug administration.

(3) "Controlled substance" means a drug, substance, or immediate precursor of such drug or substance, so designated under or pursuant to chapter 69.50 RCW, the uniform controlled substances act.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(5) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Distribute" means to deliver, other than by administering or dispensing, a legend drug.

(7) "Legend drug" means any drug that is required by state law or by regulations of the board to be dispensed on prescription only or is restricted to use by practitioners only.

(8) "Manufacturer" means a person or other entity engaged in the manufacture or distribution of drugs or devices, but does not include a manufacturer's representative.

(9) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(10) "Practitioner" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces or the public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse under chapter 18.88 RCW when authorized to prescribe by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, or a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(11) "Manufacturer's representative" means an agent or employee of a drug manufacturer who is authorized by the drug manufacturer to possess drug samples for the purpose of distribution in this state to appropriately authorized health care practitioners.

(12) "Reasonable cause" means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that a person has violated state or federal drug laws or regulations.

(13) "Department" means the department of health.

(14) "Secretary" means the secretary of the department or the secretary's designee.

Sec. 43. Section 2, chapter 411, Laws of 1987 and RCW 69.45.020 are each amended to read as follows:

A manufacturer that intends to distribute drug samples in this state shall register annually with the ~~((board))~~ department, providing the name and address of the manufacturer, and shall:

(1) Provide ~~((the board with))~~ a twenty-four hour telephone number and the name of the individual(s) who shall respond to reasonable official inquiries from the department, as directed by the board, based on reasonable cause, regarding required records, reports, or requests for information pursuant to a specific investigation of a possible violation. Each official request by the ~~((board))~~ department and each response by a manufacturer shall be limited to the information specifically relevant to the particular official investigation. Requests for the address of sites in this state at which drug samples are stored by the manufacturer's representative and the names and addresses of the individuals who are responsible for the storage or distribution of the drug samples shall be responded to as soon as possible but not later than the ~~((board's))~~ close of business on the next business day following the request; or

(2) If a twenty-four hour telephone number is not available, provide ~~((the board with))~~ the addresses of sites in this state at which drug samples are stored by the manufacturer's representative, and the names and addresses of the individuals who are responsible for the storage or distribution of the drug samples. The manufacturer shall annually submit a complete updated list of the sites and individuals to the ~~((board))~~ department.

Sec. 44. Section 3, chapter 411, Laws of 1987 and RCW 69.45.030 are each amended to read as follows:

(1) The following records shall be maintained by the manufacturer distributing drug samples in this state and shall be available for inspection by authorized representatives of the ((board)) department based on reasonable cause and pursuant to an official investigation:

(a) An inventory of drug samples held in this state for distribution, taken at least annually by a representative of the manufacturer other than the individual in direct control of the drug samples;

(b) Records or documents to account for all drug samples distributed, destroyed, or returned to the manufacturer. The records shall include records for sample drugs signed for by practitioners, dates and methods of destruction, and any dates of returns; and

(c) Copies of all reports of lost or stolen drug samples.

(2) All required records shall be maintained for two years and shall include transaction dates.

(3) Manufacturers shall report to the ((board)) department the discovery of any loss or theft of drug samples as soon as possible but not later than the ((board's)) close of business on the next business day following the discovery.

(4) Manufacturers shall report to the ((board)) department as frequently as, and at the same time as, their other reports to the federal drug enforcement administration, or its lawful successor, the name, address and federal registration number for each practitioner who has received controlled substance drug samples and the name, strength and quantity of the controlled substance drug samples distributed.

Sec. 45. Section 7, chapter 411, Laws of 1987 and RCW 69.45.070 are each amended to read as follows:

The ((board)) department may charge reasonable fees for registration. The registration fee shall not exceed the fee charged by the ((board)) department for a pharmacy location license.

NEW SECTION, Sec. 46. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of pharmacy relating to the powers, functions, and duties transferred by this act, shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the board of pharmacy in carrying out the powers, functions, and duties transferred by this act, shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by this act, shall be assigned to the department of health.

Any appropriations made to the board of pharmacy for carrying out the powers, functions, and duties transferred by this act, shall, on the effective date of this section, and upon the approval of the director of the office of financial management be transferred and credited to the department of health.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION, Sec. 47. All employees of the board of pharmacy engaged in performing the powers, functions, and duties transferred by this act are transferred to the jurisdiction of the department of health. All such employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION, Sec. 48. All rules and all pending business before the board of pharmacy pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All contracts and obligations existing at the time of the transfer shall remain in full force and shall be performed by the department of health.

NEW SECTION, Sec. 49. The transfer of the powers, duties, functions, and personnel of the board of pharmacy shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION, Sec. 50. If apportionments of budgeted funds are required because of the transfers directed by sections 46 through 49 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION, Sec. 51. Nothing contained in sections 46 through 50 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION, Sec. 52. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007;

(2) Section 3, chapter 223, Laws of 1982, section 15, chapter 153, Laws of 1984 and RCW 43.131.249; and

(3) Section 7, chapter 223, Laws of 1982, section 16, chapter 153, Laws of 1984 and RCW 43.131.250.

**NEW SECTION.** Sec. 53. If Engrossed Substitute House Bill No. 1324, creating a department of health, is not enacted by June 30, 1989, sections 9 through 52 of this act shall be null and void."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "pharmacy;" strike the remainder of the title and insert "amending RCW 18.64.044, 18.64.245, 18.64.080, 18.64.165, 69.41.020, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, and 69.45.070; reenacting and amending RCW 42.17.310; adding new sections to chapter 69.41 RCW; adding a new section to chapter 18.64 RCW; creating new sections; and repealing RCW 18.64.007, 43.131.249, and 43.131.250."

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1478, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1478, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1478, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Sutherland - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

**HOUSE BILL NO. 1478**, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

#### SECOND READING

**SENATE BILL NO. 6145**, by Senator Barr

Pertaining to rural health care.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6145 was substituted for Senate Bill No. 6145 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6145.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6145, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 46.



Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE SENATE BILL NO. 6145, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1097, by Committee on Revenue (originally sponsored by Representatives Appelwick, Locke, O'Brien, Kremen, R. King and Sprenkle)

Exempting property used by homes for the aged from taxation.

The bill was read the second time.

## MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 84.36.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 31, Laws of 1987 and RCW 84.36.040 are each amended to read as follows:

(1) The real and personal property used by nonprofit ~~((H))~~ (a) day care centers as defined pursuant to RCW 74.15.020 ~~((as now or hereafter amended: (2)));~~ (b) free public libraries; ~~((3))~~ (c) orphanages and orphan asylums; ~~((4) homes for the aged; (5))~~ (d) homes for the sick or infirm; ~~((6))~~ (e) hospitals for the sick; and ~~((7))~~ (f) outpatient dialysis facilities, which are used for the purposes of such organizations shall be exempt from taxation: PROVIDED, That the benefit of the exemption inures to the user.

(2) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

**NEW SECTION.** Sec. 2. A new section is added to chapter 84.36 RCW, to be codified as RCW 84.36.041, to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) A home for the aging is eligible for a partial exemption if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents. The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible persons multiplied by two. The denominator of the fraction is the total number of occupied dwelling units. The fraction shall never exceed one.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(4) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(5) Each eligible resident of a home for the aging shall submit the form required under RCW 84.36.385 to the county assessor by July 1st of the assessment year. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(6) A home for the aging that was exempt for taxes levied for collection in 1990 and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied for collection in 1991, two-thirds of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(b) For taxes levied for collection in 1992, one-third of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(7) As used in this section:

(a) "Eligible resident" means a person who would be eligible for an exemption under RCW 84.36.381 if the person owned a single-family dwelling. For the purposes of determining eligibility under this section, a "cotenant" as used in RCW 84.36.383 means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or

another responsible person; (ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

Sec. 3. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.050, 84.36.060, (~~84.36.037~~) and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor.

Sec. 4. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 1, chapter 468, Laws of 1987 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or 84.36.041 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 5. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 468, Laws of 1987 and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.050, and 84.36.060 (~~and 84.36.037~~), the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent

property taxes: PROVIDED, That where the property has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040, 84.36.041, or 84.36.060;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(2), as long as some portion of the home remains exempt;

(h) The conversion of a full exemption of a home for the aging to a partial exemption or taxable status under RCW 84.36.041(6).

Sec. 6. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 155, Laws of 1987 and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40-.250, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, ~~((1986))~~ 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION, Sec. 7. This act shall take effect April 1, 1990, and shall be effective for taxes levied for collection in 1991 and thereafter."

Senator Cantu moved that the following amendments by Senators Cantu and Hayner to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 3, line 28, add a new subsection (6) to read as follows:

"(6) In determining the true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (2) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property."

Renumber the remaining subsections accordingly

On page 13, after line 11, insert a new section to read as follows:

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section consecutively

#### POINT OF INQUIRY

Senator Hayner: "Under the bill, Senator Cantu, it says, 'The home is subsidized under a federal Department of Housing and Urban Development program. The Department of Revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.' Why is this language included in this bill?"

Senator Cantu: "The bill is not intended to tax facilities whose primary purpose is to serve low-income elderly as there are those subsidized under HUD, the Housing and Urban Development program. Therefore, a statement expressing the intent of the Legislature was desirable."

Senator Hayner: "One further question, do all elders who reside in HUD subsidized facilities have to meet HUD low income guide lines?"

Senator Cantu: "Yes, and, therefore, are to be excluded under the bill by virtue of their qualifications for residency in such a facility."

#### POINT OF INQUIRY

Senator Saling: "Senator Cantu, I find some problems with this bill and amendment and I wish to have you explain to me, if you will please. At what point in the year will the determination be made regarding who is eligible because of their income and how will that be handled?"

Senator Cantu: "Senator Saling, my understanding is that this will be done once a year when the assessor determines the residences that are there and determines the assessed valuation. Then, on that yearly basis those individuals who would qualify then would come under this exemption."

Senator Saling: "So, it will be determined each year by the assessor even though the assessor normally only assesses once every four years in each county?"

Senator Cantu: "That was my understanding in answer to the question. It would be done yearly."

Senator Saling: "Who provided that information to you, Senator?"

Senator Cantu: "We asked some of our staff attorneys to look into it and that is the answer that they provided to me."

Senator Saling: "So, these homes would be handled differently than all other pieces of property as far as assessment is concerned?"

Senator Cantu: "Only as far as the residency coming into it for qualifying as residents of the home."

Senator Saling: "Doesn't this measure provide for the taxation of the property itself?"

Senator Cantu: "Yes."

Senator Saling: "Well, if it's not reassessed every year, and you have people who are senior citizens who may not live very long and others replacing them in these homes, it seems to me that it's going to not be a true reflection of the people who are living in these homes, unless it's assessed every year and readjusted every year as far as the taxes that that particular home would pay. Is that correct?"

Senator Cantu: "Again, Senator Saling, I can only repeat, it is my understanding that for purposes of this bill, the residency requirement eligibility would be established yearly. That is my understanding sir, and I don't know how else to answer."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments on page 3, line 28, and page 13, after line 11, to the Committee on Ways and Means amendment to Substitute House Bill No. 1097.

The motion by Senator Cantu carried and the amendments to the committee amendment were adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Substitute House Bill No. 1097.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Cantu, the following title amendment was adopted:

On page 1, line 1 of the title, after "aged;" strike the remainder of the title and insert "amending RCW 84.36.040, 84.36.800, 84.36.805, 84.36.810, and 84.36.383; adding a new section to chapter 84.36 RCW; and providing an effective date."

On motion of Senator Cantu, the rules were suspended, Substitute House Bill No. 1097, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1097, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1097, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams - 40.

Voting nay: Senators Conner, Fleming, Lee, Saling, Stratton, Wojahn - 6.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1097, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1172 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Owen, the President finds that Engrossed House Bill No. 1172 is a measure which makes several changes in laws dealing with natural resources conservation areas. The bill establishes an advisory committee to assist in evaluating potential sites; appropriates funds to the Department of Natural Resources from dedicated accounts and adds an additional conservation area.

"The proposed Senate Ways and Means amendment removes the additional conservation area and funds the program through an extension of a real estate excise tax surcharge to be used for acquisition of conservation areas.

"The President, therefore, finds that the proposed committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The Committee on Ways and Means amendment to Engrossed House Bill No. 1172 was ruled in order.

## MOTIONS

Senator Owen moved that the following amendment by Senators Owen, McCaslin, Madsen, Pullen, Bauer, Patterson, Rasmussen, Conner and Sutherland to the Committee on Ways and Means amendment be adopted:

On page 10, after line 28, strike all of section 13 and renumber the remaining sections accordingly

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment on page 10, after line 28, by Senator Owen and others to the Committee on Ways and Means amendment to Engrossed House Bill No. 1172.

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Conner, Craswell, Hayner, Johnson, Madsen, Matson, McCaslin, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Smith, Sutherland, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bailey, Bender, Bluechel, Cantu, Fleming, Kreidler, Lee, McDonald, McMullen, Metcalf, Murray, Niemi, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vogtild, Warnke, Williams, Wojahn - 21.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

## MOTIONS

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 1172 was deferred.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1917 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

## MOTION

On motion of Senator von Reichbauer, the motion to adopt the Committee on Ways and Means striking amendment to Engrossed House Bill No. 1917 was withdrawn.

## MOTION

On motion of Senator von Reichbauer, the Committee on Ways and Means striking amendment to Engrossed House Bill No. 1917 was not adopted.

## MOTIONS

Senator Lee moved that the following amendment by Senators Williams and Lee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct may provide certified appraisal services to the public.

NEW SECTION, Sec. 2. This chapter may be known and cited as the certified real estate appraiser act.

NEW SECTION, Sec. 3. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(2) "Appraisal report" means any communication, written or oral, of an appraisal.

(3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(4) "Board" means the certified real estate appraiser certification board.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Department" means the department of licensing.

(7) "Director" means the director of the department of licensing.

(8) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(9) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(10) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(11) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals and who holds a valid certificate issued to him or her for either general or residential real estate under this chapter. A state-certificated real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal" and indicate which type of certification is held.

**NEW SECTION, Sec. 4.** (1) No person, other than a state-certified real estate appraiser, may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified under this chapter shall not describe or refer to any appraisal or real estate located in this state by the term "certified."

(2) This section does not preclude a person who is not certified as a state-certified real estate appraiser from appraising real estate in this state for compensation.

**NEW SECTION, Sec. 5.** There is established a real estate appraiser certification board which shall consist of seven members, two of whom are public members and five of whom are real estate appraisers.

The governor shall appoint the members of the real estate appraiser certification board.

Each of the real estate appraiser members first appointed to the board shall possess a minimum of ten years of active experience as a real estate appraiser, and shall be appointed from a cross-section of real estate appraisal organizations.

Each real estate appraiser member of the board appointed after July 1, 1990, must be a state-certified real estate appraiser under this chapter at the time of appointment and during the entire term. At least two members of the board shall be state-certified general real estate appraisers. At least one member of the board shall be a state-certified residential real estate appraiser. The term of each member of the board shall be three years, except that, of the members first appointed, one shall serve for three years, three shall serve for two years, and three shall serve for one year. Upon the expiration of a term, a member of the board continues to hold office until the appointment of a successor. No person shall serve as a member of the board for more than two consecutive terms. The governor may remove a member for cause.

The public members of the board shall not be engaged in the practice of real estate appraising.

The governor shall appoint one of the members as a chairperson. The chairperson serves at the pleasure of the governor.

The board shall meet at least once a year or as necessary to conduct board business upon the call of the chairperson at times and places as the chairperson shall designate.

A quorum of the board shall be five members.

Members of the board shall receive compensation under RCW 43.03.240 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

**NEW SECTION, Sec. 6.** The real estate appraiser certification board provides technical assistance to the director relating to real estate appraisal standards and real estate appraiser qualifications and has the following responsibilities, powers, and duties:

(1) To recommend to the director the experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser;

(2) To recommend to the director the examination specifications, and the minimum scaled score required to pass the certification examinations for each classification of certification required by this chapter; and

(3) To conduct administrative hearings, as requested by the director, in connection with disciplinary proceedings under this chapter.

**NEW SECTION, Sec. 7.** The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) To receive and approve applications for certification as a state-certified real estate appraiser under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates to qualified applicants pursuant to the provisions of this chapter; and to maintain a register of the names and addresses of individuals who are currently certified under this chapter;

(3) To provide administrative assistance to the real estate appraiser certification board to enable the board to carry out its responsibilities under this chapter;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification examinations;

(5) To administer or contract for administration of certification examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To consider recommendations by the real estate appraiser certification board relating to the experience, education, and examination requirements for each classification of state-certified appraiser;

(7) To consider recommendations by the real estate appraiser certification board relating to standards of professional appraisal practice in the enforcement of this chapter;

(8) To issue an annual statement describing the receipts and expenditures in the administration of this chapter during each fiscal year;

(9) To establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this chapter;

(10) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the director or the director's authorized representatives acting by authority of law;

(11) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(12) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the director or the director's authorized representatives acting by authority of law;

(13) To do all other things necessary to carry out the provisions of this chapter.

NEW SECTION, Sec. 8. The director, members of the board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties except for their intentional or willful misconduct.

NEW SECTION, Sec. 9. The director shall establish fees by rule, under RCW 43.24.086 and chapter 34.05 RCW and establish collection procedures for the fees.

NEW SECTION, Sec. 10. (1) Applications for examinations, original certification, and renewal certification shall be made in writing to the department on forms approved by the director. Applications for original and renewal certification shall include a statement confirming that the applicant shall comply with applicable rules and regulations and that the applicant understands the penalties for misconduct.

(2) The appropriate fees shall accompany all applications for examination, reexamination, original certification, and renewal certification.

NEW SECTION, Sec. 11. There shall be two categories of state-certified real estate appraisers:

(1) The state-certified residential real estate appraiser classification shall consist of those persons meeting the requirements for appraisal of residential real property of one to four units.

(2) The state-certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

NEW SECTION, Sec. 12. (1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements established by the board.

(2) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements established by the board.

NEW SECTION, Sec. 13. As a prerequisite to taking the examination for certification as a state-certified real estate appraiser, an applicant must meet the experience requirements established by the board.

NEW SECTION, Sec. 14. (1) An original certification as a state-certified real estate appraiser shall be issued to persons who have satisfactorily passed a written examination as adopted by the board.

(2) An applicant as a state-certified residential or general real estate appraiser, who presents evidence satisfactory to the director that he or she has been practicing in this state as a real estate appraiser for more than five years prior to the effective date of this section, may be issued an original certificate without taking an examination.

NEW SECTION, Sec. 15. Every applicant for certification who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process upon him or her may be made by service on the director if, in an action against the applicant in a court of this state arising out of the applicant's activities as a state-certified real



estate appraiser, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant.

**NEW SECTION.** Sec. 16. An applicant for certification who is currently certified and in good standing under the laws of another state may obtain a certificate as a Washington state-certified real estate appraiser without being required to satisfy the examination requirements of this chapter if: The director determines that the certification requirements are substantially similar to those found in Washington state; and that the other state has a written reciprocal agreement to provide similar treatment to holders of Washington state certificates.

**NEW SECTION.** Sec. 17. (1) Each original and renewal certificate shall be for a period of one year.

(2) To be renewed as a state-certified real estate appraiser, the holder of a valid certificate shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the certificate.

(3) If a person fails to renew a certificate prior to its expiration, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and paying late renewal fees.

**NEW SECTION.** Sec. 18. (1) A certificate issued under this chapter shall bear the signature or facsimile signature of the director and a certificate number assigned by the director.

(2) Each state-certified real estate appraiser shall place his or her certificate number adjacent to or immediately below the title "state-certified residential real estate appraiser" or "state-certified general real estate appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

**NEW SECTION.** Sec. 19. (1) The term "state-certified real estate appraiser" may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

(2) No certificate may be issued under this chapter to a corporation, partnership, firm, or group. This shall not be construed to prevent a state-certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice.

**NEW SECTION.** Sec. 20. An application for certification or recertification may be denied, and the certification of any state-certified real estate appraiser may be revoked, suspended, or otherwise disciplined in accordance with the provisions of this chapter, for any of the following acts or omissions:

(1) Failing to meet the minimum qualifications for state certification established by or pursuant to this chapter;

(2) Procuring or attempting to procure state certification under this chapter by knowingly making a false statement, knowingly submitting false information, or knowingly making a material misrepresentation on any application filed with the director;

(3) Paying money other than the fees provided for by this chapter to any employee of the director or the board to procure state certification under this chapter;

(4) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(5) Negligence or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(6) Continuing to act as a certified real estate appraiser when his or her certificate is on an expired status;

(7) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book, or record in his or her possession for inspection of the director or the director's authorized representatives acting by authority of law; and

(8) Violating any provision of this chapter or any lawful rule or regulation made by the director pursuant thereto.

**NEW SECTION.** Sec. 21. The director may investigate the actions of a state-certified real estate appraiser or an applicant for certification or recertification. Upon receipt of information indicating that a state-certified real estate appraiser under this chapter may have violated this chapter, the director shall cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with not more than one of the appraiser members of the board. If an appraiser member of the board is consulted and renders assistance in an investigation, the appraiser member is excused from service on the board in connection with any administrative hearing that may result from such investigation.

In any investigation made by the director's investigative staff, the director shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers, to administer oaths, and to take testimony and receive evidence concerning all matters within the director's jurisdiction.

If the director determines, upon investigation, that a state-certified real estate appraiser under this chapter has violated this chapter, a statement of charges shall be prepared and

served upon the state-certified real estate appraiser. This statement of charges shall require the accused party to file an answer to the statement of charges within twenty days of the date of service.

In responding to a statement of charges, the accused party may admit to the allegations, deny the allegations, or otherwise plea. Failure to make a timely response shall be deemed an admission of the allegations contained in the statement of charges.

NEW SECTION, Sec. 22. The administrative hearing on the allegations in the statement of charges may be heard by the board or an administrative law judge appointed under chapter 34.12 RCW at the time and place prescribed by the director and in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. If the board or the administrative law judge determines that a state-certified real estate appraiser is guilty of a violation of any of the provisions of this chapter, a formal decision shall be prepared that contains findings of fact and recommendations to the director concerning the appropriate disciplinary action to be taken.

In such event the director shall enter an order to that effect and shall file the same in his or her office and immediately mail a copy thereof to the affected party at the addresses of record with the department. Such order shall not be operative for a period of ten days from the date thereof. Any licensee or applicant aggrieved by a final decision by the director in an adjudicative proceeding whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION, Sec. 23. The attorney general shall render to the director and board opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof that may be submitted by the director or board, and shall act as attorney for the director and board in all actions and proceedings brought by or against the director and board under or pursuant to any provisions of this chapter.

NEW SECTION, Sec. 24. Sections 2 through 23 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 27. (1) Sections 2, 3, 5 through 8, 24, and 26 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

(2) Sections 1, 4, 9 through 22, and 24 of this act shall take effect July 1, 1990."

On motion of Senator Williams, the following amendments to the amendment by Senators Williams and Lee were considered simultaneously and were adopted:

On page 10, line 10, strike "established by the board" and insert "adopted by the director"

On page 10, beginning on line 18, after "requirements" strike "established by the board" and insert "adopted by the director"

On page 10, beginning on line 25, after "requirements" strike "established by the board" and insert "adopted by the director"

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Williams and Lee to Engrossed House Bill No. 1917.

Debate ensued.

The striking amendment by Senators Williams and Lee, as amended, to Engrossed House Bill No. 1917 was adopted.

#### MOTIONS

On motion of Senator Williams, the following title amendment was adopted:

On page 1, line 2 of the title, after "appraisers:" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; creating new sections; providing effective dates; and declaring an emergency."

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 1917, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1917, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1917, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Craswell, Fleming, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 36.

Voting nay: Senators Barr, Benitz, Conner, Lee, Matson, Niemi, Owen, Rasmussen, Williams, Wojahn - 10.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED HOUSE BILL NO. 1917, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1963 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute House Bill No. 1963 is a measure establishing a maternity care access program for low-income women and providing case management and support services to those women in obtaining maternity care.

"The amendment proposed by the Senate Committee on Ways and Means establishes a similar maternity care access program. In addition, the amendment prohibits the use of certain state money to be used in funding abortions.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Ways and Means amendment to Substitute House Bill No. 1963 was ruled out of order.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1963 was deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1518, by Representatives Vekich, Walker, Patrick, Cole, Leonard, R. King, Heavey, Ebersole, Prentice, Basich, Jones and Winsley

Extending industrial insurance coverage.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the following amendment was adopted:

On page 1, line 12, after "state" and before the period, insert "PROVIDED, That any common or contract carrier or its successor that formerly had coverage under this title and by virtue of being exclusively engaged in interstate or foreign commerce, or any combination thereof, withdrew its acceptance of liability under this title by filing written notice with the director of the withdrawal of its acceptance prior to January 2, 1987, shall be governed by the provisions of this section that were in effect as of that date".

## MOTION

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1518, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1518, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1518, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Niemi - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED HOUSE BILL NO. 1518, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1405 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 1405 is a measure making changes in the building fee portion of tuition for the state's higher education institutions.

"The amendment proposed by the Senate Committee on Ways and Means makes similar changes in the building fee portion of tuition and authorizes a building fee surcharge.

"The President, therefore, finds that the proposed committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The Committee on Ways and Means striking amendment to Substitute House Bill No. 1405 was ruled to be in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Substitute House Bill No. 1405.

Debate ensued.

The Committee on Ways and Means striking amendment to Substitute House Bill No. 1405 was adopted.

## MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.15.025, 28B.15.067, 28B.15.202, 28B.15.402, and 28B.15.502; reenacting and amending RCW 28B.50.360; adding a new section to chapter 28B.15 RCW; and providing an effective date."

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1405, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I'm curious, was this prohibited before? The reason I'm asking and let me explain. Out at Tacoma Community College, when I made a visit out there, they proudly took me through the activities room. They increased their students fees to help pay for it and which was enough to float bonds and I didn't know that they couldn't do it. This has apparently given them authority that they didn't need?"

Senator McDonald: "Presently, I believe that the Husky Union Building, the Cougar Union Building, and the student union buildings in general can be funded through the student and activities fees and bonding based on that. This is going beyond that in going to the basic tuition and fees portion. It's freezing the amount that will go to capital at nine percent at the two research universities and the comprehensive universities and I believe at twenty percent for the community colleges:

then allowing for a ten percent surcharge above that which would be matched by a like amount from the tuition."

Senator Rasmussen: "Another question, we had Senate Bill No. 5228 which the Associated Students from the UW were down here pushing, but it didn't get passed. Their complaint was that they took their Associated Students fees and recovered the Husky Stadium with a new playing field and they were objecting and they wanted to have more say in it. This will allow the student body themselves to approve?"

Senator McDonald: "I was just informed by the chairman of the Senate Higher Education Committee that they are going to be studying that situation this summer, but I don't believe that this one relates to it in any way."

Senator Rasmussen: "Well, has Senator Saling gone out and played football on this field that the students paid for? They didn't want it; they wanted housing for the poor. Thank you, Senator McDonald."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1405, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1405, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, West - 28.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Kreidler, Madsen, McMullen, Moore, Murray, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 18.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1405, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1444, and the pending Committee on Education amendment, deferred April 6, 1989.

#### MOTION FOR RECONSIDERATION

Senator Nelson moved to reconsider the vote by which the amendment by Senators Rinehart and Warnke on page 18, line 33, to the Committee on Education amendment, was adopted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the amendment by Senators Rinehart and Warnke on page 18, line 33, to the Committee on Education amendment, to Engrossed Substitute House Bill No. 1444, was adopted.

The motion for reconsideration of the amendment to the committee amendment carried.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Rinehart, and there being no objection, the amendment on page 18, line 33, to the Committee on Education amendment, was withdrawn.

#### MOTION

Senator Vognild moved that the Senate immediately consider Engrossed Substitute House Bill No. 2198.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild, we have another measure before us at the present time. If you'll wait until we finish this measure, your motion would be in order."

Senator Vognild: "Mr. President, I would ask for the motion please, to immediately consider Engrossed Substitute House Bill No. 2198."

## MOTION

Senator Newhouse moved that the motion be laid upon the table.  
 Senator Talmadge demanded a roll call.

## POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. It would seem to me that the motion by Senator Vognild is out of order and, therefore, Senator Newhouse's motion is moot. The issue before the Senate is the amendment to Engrossed Substitute House Bill No. 1444 and to try to offer another motion which is not on the proper order of business and does not deal with the subject matter at hand would be out of order and, therefore, I would ask that you would rule Senator Vognild's motion out of order and then that would make Senator Newhouse's motion to lay upon the table moot."

## REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I would say that Senator Pullen's point of order is untimely. We have a motion before us which is not debatable, that being the motion to lay upon the table."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild, I had ruled that your motion was not in the proper order and asked you if you would wait until we finished the bill and then your motion would be in order. At that point, Senator Newhouse stood up and moved to lay your amendment on the table. My ruling still stands on the fact that you will be in order as soon as we finish this bill."

## MOTION

Senator Williams moved that Engrossed Substitute House Bill No. 2198 be made a special order of business for 4:59:30 p.m.

## POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. I would raise the same point of order that was previously raised on the Vognild motion. It would seem to me, Mr. President, that both points of order are appropriate and both motions are out of order. The President already ruled that Senator Vognild's motion was out of order, that it was not timely, that the motion could be possibly in order at another time, but that Senator Vognild's motion was out of order. It was not made on the proper order of business. It was made when another subject was before the Senate.

"I would simply submit that the same logic applies to the motion by Senator Williams. They both are out of order, because they both are not timely. They were not made on the proper order of business and it would seem to me that consistency alone, would dictate that the President would rule that the William's motion is out of order. The President has long been renowned for his consistency in his rulings and we greatly admire President Pro Tempore Bluechel for the outstanding work that he's done and I think we have an outstanding ruling on the Vognild motion and I think we would hopefully get an equally consistent and outstanding ruling on the William's motion."

## POINT OF ORDER

Senator Rasmussen: "Mr. President, if I may raise a point of order. The clock now reads one minute after 5 and our cut-off time for consideration of bills is 5 o'clock. The Chair previously has made rulings and I think our new Lieutenant Governor made the ruling we may continue and finish the bill that we're on after the 5 o'clock period. But, I do raise the cut-off time of 5 o'clock--and we're not two minutes past--for your consideration, Mr. President."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The point is well taken. The motion before the body is the motion by Senator Newhouse to lay on the table. It is a privileged motion."

Senator Talmadge demanded a roll call and the demand was sustained.

## PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry, Mr. President. The issue that is before us and the roll call was sustained on what?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "On the motion by Senator Newhouse to lay the motion by Senator Vognild on the table."

Senator Pullen: "I thought the President had ruled that Senator Vognild's motion was out of order, and if Senator Vognild's motion was out of order, then Senator Newhouse's motion is moot."

President Pro Tempore Bluechel: "The President has already ruled, Senator Pullen."

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Newhouse to lay the motion by Senator Vognild to immediately consider Engrossed Substitute House Bill No. 2198 on the table.

## ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to lay the motion on the table carried by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

**EDITOR'S NOTE:** The following is an explanation of President Pro Tempore Bluechel's ruling regarding the motion by Senator Vognild that the Senate immediately consider Engrossed Substitute House Bill No. 2198.

## CLARIFICATION OF THE RULING BY THE PRESIDENT PRO TEMPORE

Due to an apparent lack of clarity or understanding regarding the ruling on Senator Vognild's motion to immediately consider Engrossed Substitute House Bill No. 2198, which motion was made during debate on Engrossed Substitute House Bill No. 1444, the President clarifies the process, and reasoning and restates the ruling as follows:

1. The Senate was considering amendments to Engrossed Substitute House Bill No. 1444 on the sixth order of business. Following consideration of an amendment to Engrossed Substitute House Bill No. 1444, and before the next amendment could be called before the body, Senator Vognild rose and stated as follows: "Mr. President, I move that the Senate immediately consider Engrossed Substitute House Bill No. 2198."
2. The President ruled at that time that the motion was out of order. The basis of this ruling was that the Senate was considering amendments to Engrossed Substitute House Bill No. 1444 at that time and unless further action were to be deferred upon Engrossed Substitute House Bill No. 1444, Senator Vognild's motion could not be put.
3. Senator Pullen then rose and brought up the point of order that Senator Vognild's motion was made on the wrong order of business. The Chair determined that Senator Pullen's point of order was not well taken as Senator Vognild's motion was made on the sixth order of business, second reading of bills, which is the proper order of business to ask for consideration of a measure upon the second reading calendar.
4. Senator Newhouse then moved that Senator Vognild's motion to immediately consider Engrossed Substitute House Bill No. 2198 be laid on the table. The Chair then consulted with counsel to determine the validity of Senator Vognild's motion and the validity and/or the necessity of Senator Newhouse's motion. The Chair, in its deliberations, determined that the essence of Senator Vognild's motion was to defer further consideration of Engrossed Substitute House Bill No. 1444 and to then immediately consider

Engrossed Substitute House Bill No. 2198. The President did not state this basic premise to the body, but simply ruled that Senator Vognild's motion was, in fact, proper and, therefore, Senator Newhouse's motion to lay Senator Vognild's motion on the table was also proper and should be put before the body.

5. It is, of course, proper and necessary to allow the body to defer consideration of any measure before it to take up another measure on the same order of business. To deny this motion would, in effect, tie the hands of the will of the majority and force action on a measure on which the body is not prepared to act.

6. As Senate Rules and Reeds Rules and Parliamentary Procedure dictate, it is the duty and responsibility of the Chair to assure, to the extent possible and within the Rules, that the position of the minority be heard and the will of the body be accomplished in an orderly and expeditious manner. The Chair feels that the rulings regarding the above-mentioned motions accomplished that purpose. Further, the Chair, upon reflection, determined that the basic principle of parliamentary procedure embodied within the rulings was important enough to clarify the actions of the Chair by way of this memorandum. Conversations with the members following the ruling revealed that there was a lack of clarity regarding the fact the Chair had accepted Senator Vognild's motion as one to defer further consideration and place Engrossed Substitute House Bill No. 2198 before the body, and not simply a motion to place a measure before the body while another measure was being acted upon. As the body is well aware, many motions are made from the floor of the Senate which are not articulated in a parliamentary perfected manner. The Chair feels it is its duty and obligation to interpret the motions and place them before the body for action. That is what occurred on April 14, regarding Senator Vognild and Senator Newhouse's motions.

#### POINT OF ORDER

Senator Williams: "A point of order, Mr. President. I made a motion before 5 o'clock. In fact, before the time that my motion was a time certain to. Would you tell me what the status of that motion is?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Williams, there was another motion pending—a motion to lay Senator Vognild's motion on the table. That was the order of business then."

#### PARLIAMENTARY INQUIRY

Senator Talmadge: "A parliamentary inquiry, Mr. President. At 5 o'clock then, the Senate was working on Engrossed Substitute House Bill 2198?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "No, at 5 o'clock the Senate was working on Engrossed Substitute House Bill No. 1444. That is still before the body and the only thing before the body that is subject to cut-off."

The Senate resumed consideration of Engrossed Substitute House Bill No. 1444.

#### MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Warnke to the Committee on Education amendment be adopted:

On page 18, after line 33 of the committee amendment, insert the following:

\*NEW SECTION. Sec. 14. A new section is added to Title 28A RCW to read as follows:

(1) The superintendent of public instruction shall develop by September 1, 1990, a model curriculum or curriculum guidelines for an outcomes-based health and physical education learning assistance education program. The purpose of the model curriculum or curriculum guidelines is to assist school districts in coordinating the current health and physical education requirements under Title 28A RCW and to assist school districts in the appropriate offering of



those requirements to students enrolled in kindergarten through grade twelve. The model curriculum or curriculum guidelines shall be available for use at district's discretion.

(2) Every school district board of directors shall consider adopting an outcomes-based health and physical education program by September 1, 1991.

(3) School districts may adopt or modify the model curriculum or curriculum guidelines developed pursuant to subsection (1) of this section, develop a curriculum locally, or adopt or modify any other existing curriculum: PROVIDED, That no provision of this subsection or subsections (1) and (2) of this section shall be construed to authorize the development of school-based health clinics.

(4) For the purposes of this section the term "outcomes-based" means the establishment of skills and/or knowledge the district determines students should learn from the curriculum developed for their local outcomes-based health and physical education program."

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Rinehart demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rinehart and Warnke to the Committee on Education amendment to Engrossed Substitute House Bill No. 1444.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 24; nays, 22; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Fleming, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalif, Nelson, Newhouse, Patterson, Pullen, Sellar, Smith, Thorsness, von Reichbauer, West - 22.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

There being no objection, the Senate resumed consideration of the amendment by Senator Bailey on page 18, line 33, to the Committee on Education amendment, deferred after being ruled in order April 6, 1989.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Bailey, I'm a little bit curious about what some of the words in this amendment mean and what your real intention happens to be. This amendment says that the State Board of Education may prescribe rules requiring local school districts to set limits or to prescribe certain disciplinary practices that are found to hinder the development of positive discipline learning assistance education environments. You must have something in mind. Could you give me an example of some of the disciplinary action or practices that you would expect that would be prescribed or made illegal under the terms of your amendment?"

Senator Bailey: "Spanking was the one."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "A point of parliamentary inquiry. Could I raise a scope and object on this amendment, Mr. President?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "That has been raised and ruled upon and it was found to be in order, Senator Rasmussen."

Senator Rasmussen: "How was the ruling?"

President Pro Tempore Bluechel: "It was found to be in order, Senator Rasmussen. It was some time ago."

Senator Rasmussen: "Thank you, Mr. President."

#### POINT OF INQUIRY

Senator Rasmussen: "I can't understand this amendment, Senator Bailey. You usually draw your amendments pretty clearly. You are very able and experienced and I'm reading the amendment and that's why I was raising the scope on it. I

didn't know it had already been raised. It says, "That are found to hinder the development of positive discipline." I don't know what hinders—could you tell me what hinders positive discipline? I know when you take a two by four to that bull of yours, it's positive discipline, but I'm not sure what this means—that you want to hinder positive discipline. Could you yield to the question, Senator Bailey?"

Senator Bailey: "And my answer to your question is that I think that we should begin to limit punishment on a corporal nature in our school system in the state of Washington and I guess I can't get much clearer than that."

Senator Rasmussen: "Thank you, Senator Bailey. When I served on the school board, I thought that we did have control of that. The local school board made the decisions and the superintendent followed the decisions of the local school board. I don't know why you need a super school board to hinder positive discipline. I would urge the body to reject this amendment as being irrelevant, unneeded and a hindrance to good education."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Bailey on page 18, line 33, to the Committee on Education amendment.

The amendment by Senator Bailey on page 18, line 33, to the Committee on Education amendment was not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Education amendment, as amended, to Engrossed Substitute House Bill No. 1444.

The Committee on Education amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Bailey, the following title amendments were considered simultaneously and were adopted:

On page 19, line 22 of the title amendment, after "RCW;" insert "adding a new section to Title 28A RCW.;"

On page 19, line 22 of the title amendment, after "RCW;" insert "28A.58.217.;"

On page 19, line 22 of the title amendment, after "RCW;" insert "adding a new section to Title 28A RCW.;"

On page 1, line 1 of the title, after "risk;" strike the remainder of the title and insert "amending RCW 28A.120.010, 28A.120.016, 28A.120.020, 28A.120.022, 28A.120.032, and 28A.02-.061; adding a new section to chapter 28A.41 RCW; creating new sections; providing an expiration date; and making an appropriation."

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1444, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1444, as amended by the Senate.

#### ROLL CALL

Page Colin Clark called the roll on the final passage of Engrossed Substitute House Bill No. 1444, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Craswell, Johnson, Smith, von Reichbauer - 4.

Absent: Senator McCaslin - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1444, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

## REPORT OF STANDING COMMITTEE

April 14, 1989

SB 5521 Prime Sponsor, Senator McDonald: Adopting the capital budget.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

## MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 5521 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Newhouse, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5521, by Senators McDonald and Gaspard (by request of Governor Gardner)

Adopting the capital budget.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5521 was substituted for Senate Bill No. 5521 and the substitute bill was placed on second reading and read the second time.

Senator Amondson moved that the following amendment be adopted:

On page 53, after line 26, insert the following:

NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

U.S. Olympic Academy (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures made under this appropriation shall not exceed twenty-five percent of the total project and construction costs, and shall not exceed \$5,000,000.

(2) The local match, which shall not be less than seventy-five percent of the total project design and construction costs, shall be cash and the fair market value of donated property.

St Bldg Constr Acct	Reappropriation	Appropriation
Prior Biennia	Future Biennia	Total
		5,000,000
		5,000,000*

Renumber the sections consecutively and correct any internal references accordingly.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Amondson on page 53, after line 26, to Substitute Senate Bill No. 5521.

The motion by Senator Amondson failed and the amendment was not adopted.

## MOTION

On motion of Senator Bender, Senator Warnke was excused.

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 26, after line 8, insert the following:

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Planning, design and construction of residential mental health facilities and facilities for persons with developmental disabilities.

The appropriation in this section is subject to the following conditions and limitations: The appropriation is contingent on passage of SB 5949 or the authorization of the necessary bonds to carry out the above purpose in the omnibus bond bill.

Residential Services Acct	Reappropriation	Appropriation
Prior Biennia	Future Biennia	25,000,000
	75,000,000	Total
		100,000,000*

Renumber the remaining sections.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 26, after line 8, to Substitute Senate Bill No. 5521.

The motion by Senator Talmadge failed and the amendment was not adopted.

#### MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 52, after line 9, insert the following:

\*NEW SECTION. Sec. 394. FOR THE STATE PARKS AND RECREATION COMMISSION  
Doug's Beach development

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,038,000
50,000		Total
		1,088,000*

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 52, after line 9, to Substitute Senate Bill No. 5521.

The motion by Senator Sutherland failed and the amendment was not adopted.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 52, after line 9, insert the following:

\*NEW SECTION. Sec. 394. FOR THE STATE PARKS AND RECREATION COMMISSION  
Columbia River Gorge Interpretive Center

The appropriation in this section is subject to the following condition and limitation: The appropriation contained in this section is contingent on an equal amount being provided by Skamania County.

St Bldg Constr Acct	Reappropriation	Appropriation
Prior Biennia	Future Biennia	2,200,000
		Total
		2,200,000*

Renumber the remaining sections.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 52, after line 9, to Substitute Senate Bill No. 5521.

The motion by Senator Sutherland failed and the amendment was not adopted.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 52, after line 9, insert the following:

\*NEW SECTION. Sec. 394. FOR THE STATE PARKS AND RECREATION COMMISSION  
Beacon Rock State Park—Doetsch property enhancements

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	629,000
		Total
		629,000*

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 52, after line 9, to Substitute Senate Bill No. 5521.

The motion by Senator Sutherland failed and the amendment was not adopted.

## MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 62, after line 14, insert the following:

NEW SECTION, Sec. 446. FOR THE DEPARTMENT OF FISHERIES

Upper Washougal River fish sanctuary-property purchase

St Bldg Constr Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			60,000
			60,000*

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 62, after line 14, to Substitute Senate Bill No. 5521.

The motion by Senator Sutherland failed and the amendment was not adopted.

## MOTION

Senator Amondson moved that the following amendments be considered simultaneously and be adopted:

On page 27, line 33, before "The" insert "(1)"

On page 28, line 1, after "1989," insert the following:

"(2) The department of corrections shall develop rules, under chapter 34.05 RCW, for the siting of state correctional facilities, including prerelease facilities, minimum security facilities, and facilities for the housing of work release participants. Prior to the development and adoption of such rules, the department of corrections shall not commence construction, siting, or preplanning of any new state correctional facilities. The rules developed by the department shall emphasize the safety and well being of persons living or working in the proximity of any proposed facility, and shall provide that such facilities may not be located within two miles of a school, day care center, or nursing home, whenever an alternate site exists or may reasonably be obtained."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Amondson on page 27, line 33, and page 28, line 1, to Substitute Senate Bill No. 5521.

The motion by Senator Amondson failed and the amendments were not adopted.

## MOTION

Senator Niemi moved that the following amendment be adopted:

On page 80, beginning on line 24, strike all of NEW SECTION, Sec. 713.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Niemi on page 80, beginning on line 24, to Substitute Senate Bill No. 5521.

The motion by Senator Niemi failed and the amendment was not adopted.

## MOTION

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 5521 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521 and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 40.

Voting nay: Senators Barr, Vognild, Williams - 3.

Excused: Senators DeJarnatt, Gaspard, Hansen, McCaslin, Rinehart, Warnke - 6.

SUBSTITUTE SENATE BILL NO. 5521, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan) (by request of Governor Gardner)

Making appropriations for the 1987-89 biennium.

The bill was read the second time.

## MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1988" or "FY 1988" means the fiscal year ending June 30, 1988.

(b) "Fiscal year 1989" or "FY 1989" means the fiscal year ending June 30, 1989.

(c) "FTE" means full time equivalent.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(e) "Revert" or "lapse" means the amount shall return to an unappropriated status.

Sec. 101. Section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation .....	\$	<del>((+0-924-000))</del>
		11,524,000

The appropriation in this section is subject to the following conditions and limitations: ~~((9-337-000))~~ \$3,937,000 is provided solely for the indigent appeals program.

Sec. 102. Section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	<del>((2-574-000))</del>
		2,617,000

Sec. 103. Section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((JUDICIAL QUALIFICATIONS))~~ COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation .....	\$	<del>((477-000))</del>
		572,000

Sec. 104. Section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation .....	\$	<del>((363-000))</del>
		391,000

Sec. 105. Section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation .....	\$	<del>(6,457,000)</del>
		7,428,000
Archives and Records Management Account Appropriation .....	\$	2,116,000
Total Appropriation .....	\$	<del>(6,573,000)</del>
		9,544,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(1,021,000)~~ 967,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(1,661,000)~~ \$2,627,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

(4) ~~\$(83,000)~~ 59,000 of the general fund appropriation is provided solely for advertising Washington state's March 8, 1988, precinct caucuses.

(5) \$19,000 of the general fund appropriation is provided solely for census maps and activities related to the census redistricting data program.

(6) \$20,000 of the general fund appropriation is provided solely for the payment of productivity board awards under chapter 41.60 RCW.

Sec. 106. Section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation .....	\$	<del>(1,214,000)</del>
		1,253,000

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION. Sec. 107. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF REVENUE

State Toxics Control Account Appropriation .....	\$	106,000
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The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 53, chapter 2, Laws of 1987 3rd ex. sess. and section 53, chapter 112, Laws of 1988.

PART II  
HUMAN SERVICES

Sec. 201. Section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation .....	\$	62,559,000
Public Safety and Education Account Appropriation .....	\$	100,000
Total Appropriation .....	\$	62,659,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,071,000 of the general fund appropriation is provided solely for the support of the office of the director of community services.

(b) \$200,000 of the general fund appropriation is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(c) A maximum of \$285,000 of the general fund appropriation may be spent for the replacement of used equipment within the community services division.

(d) \$100,000 of the public safety and education account appropriation is provided solely for training community corrections officers in the identification and prevention of child abuse by offenders under their supervision.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation .....	\$	273,329,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(e) \$200,000 is provided solely for alleviation of parking problems experienced by McNeil Island corrections personnel.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation .....	\$	17,331,000
Institutional Impact Account Appropriation .....	\$	317,000
Total Appropriation .....	\$	17,648,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation .....	\$	2,218,000
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The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

(5) The appropriations in this section are subject to the following conditions and limitations: The department may spend money appropriated in a manner other than as provided in this section only after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels set forth in this section and any deviation from the conditions and limitations enacted in subsections (1) through (4) of this section.

NEW SECTION. Sec. 202. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State .....	\$	2,415,907,000
General Fund Appropriation—Federal .....	\$	1,970,020,000
General Fund Appropriation—Local .....	\$	12,052,000
Institutional Impact Account Appropriation .....	\$	78,000
Public Safety and Education Account Appropriation .....	\$	600,000
Total Appropriation .....	\$	4,398,657,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended for the programs and in the amounts listed in this subsection. However, the department may transfer funds among programs listed in this subsection after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels listed below and any deviation from the conditions and limitations enacted in chapter 7, Laws of 1987 1st ex. sess. as amended by chapter 289, Laws of 1988.



GENERAL FUND—

	STATE	TOTAL
CHILDREN AND FAMILY SERVICES	193,309,000	255,598,000
JUVENILE REHABILITATION	74,170,000	75,116,000
MENTAL HEALTH	271,586,000	339,887,000
DEVELOPMENTAL DISABILITIES	173,789,000	348,225,000
LONG-TERM CARE SERVICES	347,005,000	699,882,000
INCOME ASSISTANCE PROGRAM	468,058,000	876,369,000
MEDICAL ASSISTANCE PROGRAM	556,146,000	1,070,259,000
PUBLIC HEALTH PROGRAM	63,160,000	149,690,000
VOCATIONAL REHABILITATION PROGRAM	12,529,000	48,319,000
ADMINISTRATION AND SUPPORT PROGRAM	42,827,000	74,415,000
COMMUNITY SERVICES ADMINISTRATION	160,758,000	344,468,000
REVENUE COLLECTIONS PROGRAM	24,980,000	74,689,000
PAYMENTS TO OTHER AGENCIES	27,590,000	41,740,000
SECTION TOTALS	2,415,907,000	4,398,657,000

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were previously provided. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) This act is not intended to affect any vendor rate increases that were implemented prior to the effective date of this act.

(4) \$1,117,000 of the general fund—state appropriation and \$778,000 of the general fund—federal appropriation is provided solely to increase community residential services to developmentally disabled and mentally ill persons most in need of assistance as determined by the department.

(5) \$346,000 of the general fund—state appropriation and \$782,000 of the general fund—federal appropriation are provided solely to comply with the mandatory provisions of P.L. 100-203 as it relates to developmentally disabled and mentally ill persons.

(6) Department staff shall assist general assistance clients in establishing eligibility for social security or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(7) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family Size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	\$39	\$46	\$56	\$63	\$72	\$84	\$92

(8) \$550,000 of the general fund—state appropriation is provided solely to expand the home builders program to provide assistance to families.

(9) \$20,000 of the general fund—state appropriation is provided solely for training services to providers of therapeutic day care.

(10)(a) \$100,000, of which \$55,000 is from the general fund—state appropriation, is provided solely for increased staff to investigate backlogged complaints of fraud in public assistance and food stamp programs and to establish and recover overpayments. The department shall increase the April 1988 level of staff in the verification and overpayment control system by 20 FTE positions. The department shall assign the additional staff with the goals of (i) reducing and ultimately eliminating the complaint backlog and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section and by the 1989-91 appropriations act.

(11) \$172,000 of the general fund—state appropriation is provided solely to expand the supplemental security income referral pilot program established by chapter 177, Laws of 1987 (uncodified).

(12) The amounts appropriated by this section reflect the amounts previously appropriated to the department for the 1987-89 biennium by the sections repealed by this act.

Sec. 203. Section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State .....	\$	<del>((61,186,000))</del>
		60,923,000
General Fund Appropriation—Federal .....	\$	<del>((16,866,000))</del>
		20,838,000
General Fund Appropriation—Local .....	\$	166,000
Total Appropriation .....	\$	<del>((78,212,000))</del>
		81,927,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$23,165,000 of the general fund—state appropriation is provided solely for implementation of the alcohol and drug addiction treatment and support act.

NEW SECTION. Sec. 204. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Toxics Control Account Appropriation .....	\$	710,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$124,000 is provided solely to test public drinking water supplies for organic chemicals.

(2) \$313,000 is provided solely to monitor drinking water supplies potentially affected by hazardous waste releases.

(3) \$273,000 is provided solely for health risk assessments, health monitoring activities, and health information services for communities near a hazardous waste site.

(4) This appropriation shall be reduced by any amounts expended under the appropriations in section 54, chapter 2, Laws of 1987 3rd ex. sess. and section 54, chapter 112, Laws of 1988.

NEW SECTION. Sec. 205. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

State Toxics Control Account .....	\$	384,000
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This appropriation shall be reduced by any amounts expended under the appropriations in section 52, chapter 2, Laws of 1987 3rd ex. sess. and section 52, chapter 112, Laws of 1988.

Sec. 206. Section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State .....	\$	<del>((3,256,000))</del>
		3,398,000
General Fund Appropriation—Federal .....	\$	964,000
Total Appropriation .....	\$	<del>((4,222,000))</del>
		4,362,000

Sec. 207. Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation .....	\$	8,227,000
Public Safety and Education Account Appropriation .....	\$	10,866,000
Accident Fund Appropriation .....	\$	85,159,000
Electrical License Fund Appropriation .....	\$	<del>((9,967,000))</del>
		9,994,000
Farm Labor Revolving Account Appropriation .....	\$	58,000
Medical Aid Fund Appropriation .....	\$	82,105,000
Plumbing Certificate Fund Appropriation .....	\$	660,000
Pressure Systems Safety Fund Appropriation .....	\$	1,148,000
Worker and Community Right to Know Fund Appropriation .....	\$	2,059,000
Total Appropriation .....	\$	<del>((200,196,000))</del>
		200,276,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

Sec. 208. Section 230, chapter 7, Laws of 1987 1st ex. sess. as amended by section 222, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation .....	\$	<del>(14,669,000)</del>
		<u>4,084,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III  
NATURAL RESOURCES

Sec. 301. Section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State .....	\$	51,886,000
General Fund Appropriation—Federal .....	\$	40,846,000
General Fund Appropriation—Private/Local .....	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation .....	\$	2,616,000
Flood Control Account Appropriation .....	\$	3,999,000
Wood Stove Public Education Account Appropriation .....	\$	<del>(366,000)</del>
		<u>276,000</u>
Special Grass Seed Burning Research Account Appropriation .....	\$	40,000
State Toxics Control Account .....	\$	620,000
Reclamation Revolving Account Appropriation .....	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. ....	\$	907,000
Litter Control Account Appropriation .....	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) .....	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) .....	\$	2,575,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) .....	\$	1,111,000
Stream Gaging Basic Data Fund Appropriation .....	\$	139,000
Tire Recycling Account Appropriation .....	\$	548,000

Water Quality Account Appropriation .....	\$	2,398,000
Workers and Community Right to Know Fund Appropriation .....	\$	229,000
Total Appropriation .....	\$	<del>((116,676,000))</del>
		<u>116,580,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

(2) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(3) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(4) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities.

(5) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(6) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

(8) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(9) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(10) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$392,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for the purpose of planning and administering drought relief activities as required by Second Substitute Senate Bill No. 6513. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(12) \$200,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for staff support and contract services as required by Engrossed Second Substitute Senate Bill No. 6724. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(13) \$140,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for a comprehensive state water use efficiency study as required by Engrossed Substitute House Bill No. 1594. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(14) \$20,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for a grant to Pend Oreille county for the purpose of controlling milfoil in the Pend Oreille river. In addition to the funds provided in this subsection, the department shall provide up to \$75,000 from other appropriate state fund sources. These amounts, when combined with local matching funds, shall equal a total project cost of at least \$200,000.

(15) \$200,000 of the general fund—state appropriation is provided solely for the completion of phase two of the site closure and perpetual care report required by RCW 43.200.190.

Sec. 302, Section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State .....	\$	<del>((42,574,000))</del>
		<u>57,760,000</u>
General Fund Appropriation—Federal .....	\$	<del>((78,000))</del>
		<u>752,000</u>
General Fund Appropriation—Private/Local .....	\$	<del>((26,000))</del>
		<u>50,000</u>
ORV (Off-Road Vehicle) Account Appropriation—Federal .....	\$	3,086,000
Geothermal Account Appropriation—Federal .....	\$	16,000
Forest Development Account Appropriation .....	\$	<del>((21,294,000))</del>
		<u>21,315,000</u>
Survey and Maps Account Appropriation .....	\$	838,000
Aquatic Land Dredged Material Disposal Site Account Appropriation .....	\$	106,000

Landowner Contingency Forest Fire Suppression Account Appropria- tion .....	\$	<del>((1,636,000))</del> 3,207,000
Resource Management Cost Account Appropriation .....	\$	<del>((55,279,000))</del> 55,328,000
Total Appropriation .....	\$	<del>((124,927,000))</del> 142,458,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((8,721,000))~~ 23,877,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$439,000 of the general fund—state appropriation is provided solely for spraying to control spruce budworm infestations.

(7) \$75,000 of the resource management cost account appropriation is provided solely for a feasibility study, under the guidance of the office of financial management and the department of information systems, directed at the development of a cost allocation system.

(8) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(9) \$30,000 of the general fund—state appropriation, \$49,000 of the resource management cost account appropriation, and \$21,000 of the forest development account appropriation are provided solely for the purpose of conducting a study of costs and options connected with slash disposal. The general fund—state amount identified in this subsection may be spent only in an amount equal to private matching funds received and applied by the department of natural resources for the same purpose.

Sec. 303. Section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State .....	\$	<del>((16,073,000))</del> 16,408,000
General Fund Appropriation—Federal .....	\$	601,000
Feed and Fertilizer Account Appropriation .....	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation .....	\$	455,000
Commercial Feed Fund Appropriation .....	\$	409,000
Seed Fund Appropriation .....	\$	979,000
Nursery Inspection Fund Appropriation .....	\$	1,011,000
Livestock Security Interest Account Appropriation .....	\$	34,000
Total Appropriation .....	\$	<del>((19,504,000))</del> 19,919,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(7) \$120,000 of the general fund—state appropriation is provided solely for the aquaculture program.

(8) \$12,000 of the general fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6240. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

Sec. 304. Section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation .....	\$	7,377,000
State Centennial Commission Account Appropriation .....	\$	<del>((2,540,000))</del>
		<u>2,420,000</u>
Total Appropriation .....	\$	<del>((9,917,000))</del>
		<u>9,797,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

(4) If the commission terminates the contracts authorized under subsection (2) of this section prior to the effective date of this 1988 section, the commission shall use all money that had been committed to but will not be expended for these contracts on the following activities: (a) Efforts to increase opportunities for marketing Washington state products and services; (b) a series of leadership conferences on emerging issues of the Pacific economy; (c) promotion of Washington state as the focus of trade activity within the Pacific basin; (d) recognition of the contributions to the development of Washington state by people of Pacific heritage; and (e) efforts to increase knowledge and understanding of Pacific cultures by Washington citizens.

(5) \$50,000 of the general fund appropriation is provided solely for staff and administrative services by the department of community development for a 20:20 commission. The 20:20 commission shall develop a plan to prepare the state to respond positively to the economic, social, and environmental changes which will face its citizens as they enter the next century.

Sec. 305. Section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

~~\$(1+956,000))~~ 13,734,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center. The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,540,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. (Unless a bill increasing the special excise tax under RCW 67.40.096 to six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle is enacted by June 30, 1988, the amount provided in the previous sentence shall lapse.)

(2) Not more than \$9,500,000 of the moneys appropriated in this section may be expended from moneys transferred from the state general fund to the state convention and trade center operations account pursuant to RCW 67.40.055.

NEW SECTION. Sec. 306. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation . . . . . \$ 13,761,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,080,000 is provided solely for the purposes of administering and conducting remedial action.

(2) \$4,030,000 is provided solely for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities.

(3) \$340,000 is provided solely to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1)(a), (b), and (c).

(4) \$311,000 is provided solely for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b) development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130.

(5) The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 50, chapter 2, Laws of 1987 3rd ex. sess. and section 50, chapter 112, Laws of 1988.

NEW SECTION. Sec. 307. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation . . . . . \$ 150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the business assistance program. The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 57, chapter 2, Laws of 1987 3rd ex. sess. and section 57, chapter 112, Laws of 1988.

NEW SECTION. Sec. 308. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Control Account Appropriation . . . . . \$ 16,185,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$936,000 is provided solely for local solid waste enforcement grants.

(2) \$15,249,000 is provided solely for grants pursuant to section 7(3), chapter 2, Laws of 1989.

(3) This appropriation shall be reduced by any amounts expended under the appropriations in section 55, chapter 2, Laws of 1987 3rd ex. sess. and section 55, chapter 112, Laws of 1988.

NEW SECTION. Sec. 309. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Quality Permit Account Appropriation . . . . . \$ 3,600,000

The appropriation in this section shall be reduced by any amount expended under the appropriation in section 58, chapter 2, Laws of 1987 3rd ex. sess. and section 58, chapter 112, Laws of 1988.

NEW SECTION. Sec. 310. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

State Toxics Control Account Appropriation . . . . . \$ 234,000

The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 51, chapter 2, Laws of 1987 3rd ex. sess. and section 51, chapter 112, Laws of 1988.

PART IV  
TRANSPORTATION

Sec. 401. Section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation .....	\$	<del>((15,704,000))</del> 15,846,000
Architects' License Account Appropriation .....	\$	765,000
Health Professions Account Appropriation .....	\$	9,709,000
Medical Disciplinary Account Appropriation .....	\$	1,195,000
Professional Engineers' Account Appropriation .....	\$	1,207,000
Real Estate Commission Account Appropriation .....	\$	4,936,000
Total Appropriation .....	\$	<del>((33,516,000))</del> 33,658,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$64,000 of the general fund appropriation is provided solely for enhanced regulation and scrutiny of debenture companies under the provisions of Substitute House Bill No. 1525. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(5) \$28,000 of the general fund appropriation is provided solely for recording federal liens under Engrossed Senate Bill No. 6563. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse. The amount spent under this subsection shall not exceed the amount of additional fee revenue generated under the bill.

(6) \$83,000 of the health professions account appropriation is provided solely for certifying and registering nursing assistants under Engrossed Substitute House Bill No. 1530. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(7) \$25,000 of the health professions account appropriation is provided solely for adopting rules governing the use of sedation and anesthesia for dental practice under Engrossed House Bill No. 668. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(8) \$104,000 of the general fund appropriation is provided solely for regulation of camping clubs under Substitute House Bill No. 791. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(9) \$142,000 of the general fund appropriation is provided solely for costs associated with AIDS training of licensed health care professionals mandated by chapter 206, Laws of 1988. Amounts expended under this subsection shall be repaid by the licensed professions receiving training.

#### PART V EDUCATION

Sec. 501, Section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation .....	\$	<del>((9,966,000))</del> 9,967,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 502, Section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation .....	\$	<del>((3,834,946,000))</del> 3,837,883,000
Revenue Accrual Account Appropriation .....	\$	55,100,000
Total Appropriation .....	\$	<del>((3,890,046,000))</del> 3,892,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,323,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504, chapter 7, Laws of 1987 1st ex. sess., as amended, by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding hand-capped full time equivalent enrollment as recognized for funding purposes under section 507,



chapter 7, Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (f) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c)(i) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(ii) For school districts that are located in a special economic distress impact area as defined in this subsection, and that experienced a decline in average annual full time equivalent enrollment between the 1987-88 and 1988-89 school years of at least two hundred full time equivalent students or four percent, whichever is less, additional staff unit allocations for the 1988-89 school year equivalent to the number of staff units generated under (a) of this subsection by half of the enrollment difference between the two school years. "Special economic distress impact area" shall mean a county that had an average unemployment rate for fiscal year 1988 which exceeded the average state unemployment rate for the same period by fifteen percent, and which is located in whole or in part within a fifty mile radius of a nuclear reactor scheduled to be placed in inoperative standby status.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such

high school, excluding handicapped and vocational full time equivalent enrollments for the 1987-88 school year only:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students; and

(iii) For the 1988-89 school year, excluding certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2), chapter 7, Laws of 1987 1st ex. sess., as amended, by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and ~~((+9.53))~~ 19.59 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and ~~((+7+2))~~ 17.18 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of ~~((53,209,000))~~ \$3,191,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~((542,000))~~ \$324,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of \$472,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of RCW 84.52.0531, the following allocations shall be recognized as levy reduction funds:

(a) For the 1987-88 school year, for certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For the 1988-89 school year, for certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess., the increase per full time equivalent student in the state basic education appropriation provided under this section and section 514 of this 1988 act is 2.75 percent between the 1986-87 and 1987-88 school years, and 4.93 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. To be eligible in any school year for an allocation under this subsection, a school district must demonstrate that, either on an aggregate or per pupil basis, the percentage growth from the prior year in the district's expenditures for programs for students enrolled in the remote school plant is not less than the percentage growth from the prior school year in the district's operating expenditures district-wide. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The appropriations in this section include \$119,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504, chapter 7, Laws of 1987 1st ex. sess., as amended.

Sec. 503. Section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 10" means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(e) "LEAP Document 11" means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

(f) "Derived base salary" means a school district's average salary for basic education certificated instructional staff, divided by the district's average staff mix factor for such staff computed using LEAP Document 1.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 certificated administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent; or

(iii) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(i) or (iii) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff computed as of January 9, 1989, by the superintendent of public instruction using LEAP Document 1, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent. In no case shall the actual 1987-88 derived base salary recognized in this subsection exceed the average salary used for state allocations in the 1987-88 school year for basic education certificated instructional staff under section 502 of this 1988 act, including the increases provided under this section and section 504(4) of this 1988 act, divided by the district's average staff mix factor for 1987-88 basic education certificated instructional staff.

(3) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

- (i) "BA" means a baccalaureate degree;
- (ii) "MA" means a masters degree;
- (iii) "PHD" means a doctorate degree;

(iv) "+(N)" means the number of college quarter hour credits and inservice credits earned since the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(4) (a) Prior to August 31st of each school year, each school district shall report to the superintendent of public instruction the following information for each certificated instructional employee employed by the district as of October 1st of that school year:

- (i) The full time equivalency of the employee by duty code and program assignment;
- (ii) The number of days in the employee's base contract;
- (iii) The finalized salary amount provided for the employee's base contract;
- (iv) The amount contributed by the school district for the employee's fringe benefits as defined in RCW 28A.58.0951(3)(b); and
- (v) The finalized amount paid to the employee for any supplemental contracts under RCW 28A.58.0951(4).

Districts shall also confirm this data and submit any necessary revisions prior to December 1st of the subsequent school year.

(b) Prior to August 31st of each school year, each school district shall submit to the superintendent of public instruction copies of the district's finalized salary schedules used for compensation of certificated instructional employees.

(c) The superintendent of public instruction shall make available to school districts, the legislature, and the governor the information submitted by the school districts under this subsection (4), including calculation of average amounts provided by each school district for base salary contracts, supplemental contracts, and fringe benefits of basic education certificated instructional staff and of other certificated instructional staff.

Sec. 504. Section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MINIMUM SALARIES AND CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation . . . . . \$ ~~(23,264,000)~~  
23,684,000

The appropriation in this section is subject to the following conditions and limitations:

(1) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and ~~(18.89)~~ 18.95 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and ~~(13.59)~~ 13.65 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsections (3) and (4) of this section.

(2) A maximum of ~~(\$8,185,000)~~ \$8,252,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$10.51 per pupil for the 1987-88 school year and by ~~(\$21.68)~~ \$21.69 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by ~~(\$114.91)~~ \$114.97 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of ~~(\$14,999,000)~~ \$15,332,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504, chapter 7, Laws of 1987 1st ex. sess.

(4) A maximum of \$100,000 is provided solely to implement minimum salaries, distributed as follows:

(a) For any certificated instructional employee in the 1987-88 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee in the 1986-87 school year at the employee's 1987-88 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1986-87 and 1987-88 school years. For the purposes of this section, no salary which an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 on a full time equivalent basis if the district had received funds under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum certificated salary of \$16,500.

(b) For any certificated instructional employee in the 1988-89 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee during the 1987-88 school year at the employee's 1988-89 level of experience and education, increased

by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1987-88 and 1988-89 school years.

(c) The superintendent of public instruction shall allocate incremental fringe benefits as defined in subsection (1) of this section for additional salary moneys allocated under (a) and (b) of this subsection.

Sec. 505. Section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State .....	\$	<del>((423,635,666))</del> <u>431,188,000</u>
General Fund Appropriation—Federal .....	\$	45,318,000
Total Appropriation .....	\$	<del>((468,953,666))</del> <u>476,506,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((541,576,666))~~ \$41,568,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

Sec. 506. Section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State .....	\$	<del>((21,445,666))</del> <u>21,449,000</u>
General Fund Appropriation—Federal .....	\$	7,034,000
Total Appropriation .....	\$	<del>((28,479,666))</del> <u>28,483,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,462,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,908,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$3,368,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,112 per full time equivalent student.

(c) \$390,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,678 per full time equivalent student.

(d) \$733,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,815 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,289,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,471 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than ~~((53,735,666))~~ \$3,736,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~((56,116))~~ \$6,119 per full time

equivalent student and a total allocation of no more than ~~((\$3,272,000))~~ \$3,274,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~((\$3,600))~~ \$3,690 per full time equivalent student and a total allocation of no more than \$391,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~((\$1,800))~~ \$1,810 per full time equivalent student and a total allocation of no more than ~~((\$730,000))~~ \$731,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~((\$4,402))~~ \$4,484 per full time equivalent student and a total allocation of no more than ~~((\$2,295,000))~~ \$2,296,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$33,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

(5) \$100,000 of the general fund—state appropriation is provided solely for grants for the establishment of job search skills, preemployment training, and job placement programs at state institutions for delinquent youth. Grants provided under this subsection shall not exceed twenty-five thousand dollars for any individual institution.

(6) \$120,000 of the general fund—state appropriation is provided solely to increase the teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(7) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section, so long as the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

Sec. 507, Section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation .....	\$	<del>((<u>12,175,000</u>))</del>
		<u>12,791,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,111,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

Sec. 508, Section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation .....	\$	<del>((<u>46,866,000</u>))</del>
		<u>48,640,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,929,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 ~~(and 1988-89 school years)~~ school year at a maximum rate of \$356 per unit, and during the 1988-89 school year at a maximum rate of \$357 per unit, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.



Sec. 509. Section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS  
 General Fund Appropriation ..... \$ ~~(5,275,000)~~

5,287,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$458,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) ~~(\$2,450,000)~~ \$2,464,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 510. Section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES  
 General Fund Appropriation ..... \$ ~~(75,023,000)~~

75,031,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of ~~(\$2,930)~~ \$2,931 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

(6) \$2,700,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$185,000 is provided solely to increase the funding rate for vocational programs, effective May 1, 1989, by \$147 per full time equivalent student. The increase is provided to assist vocational-technical institutes in replacing out-of-date or worn-out equipment used for vocational training.

Sec. 511. Section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS  
 General Fund Appropriation ..... \$ 3,400,000

The appropriation in this section is subject to the following conditions and limitations:

~~(((+)))~~ Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

Sec. 512. Section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION  
 General Fund Appropriation ..... \$ ~~((221,840,000))~~

223,315,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,422,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$97,507,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

(5) A maximum of ~~(\$152,000)~~ \$189,000 may be expended for the state school for the deaf and the state school for the blind to contract for transportation of day students enrolled in those schools. Transportation services funded under this subsection are not eligible for additional state reimbursement provided through the allocation formulas for school district or educational service district pupil transportation programs, but shall, to the maximum extent feasible, be reimbursed on the same basis.

Sec. 513. Section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State .....	\$	<del>((9,613,000))</del> 9,673,000
General Fund Appropriation—Federal .....	\$	<del>((140,000))</del> 58,000
Total Appropriation .....	\$	<del>((9,761,000))</del> 9,731,000

Sec. 514. Section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation .....	\$	<del>((5,201,000))</del> 5,218,000
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Sec. 515. Section 514, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation .....	\$	<del>((31,070,000))</del> 32,030,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Effective October 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of ~~((25,717,000))~~ \$25,780,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of ~~((3,303,000))~~ \$3,416,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$174,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of ~~((2,004,000))~~ \$2,660,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

(i) For pupil transportation, an increase of \$0.48 per weighted pupil mile;

(ii) For learning assistance, an increase of \$13.23 per pupil;

(iii) For education of highly capable students, an increase of \$4.54 per pupil;

(iv) For transitional bilingual education, an increase of \$8.59 per pupil;

(v) For vocational-technical institutes, an increase of \$35.22 per full time equivalent pupil.

#### PART VI

#### HIGHER EDUCATION

Sec. 601. Section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington .....	\$	7,763
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Washington State University .....	\$	6,549
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students .....	\$	5,974
Each Student over 3000 FTE .....	\$	3,895
State Board for Community College Education .....	\$	2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington .....	\$	522,000
Washington State University .....	\$	225,000
Central Washington University .....	\$	113,000
Eastern Washington University .....	\$	150,000
The Evergreen State College .....	\$	75,000
Western Washington University .....	\$	150,000

(7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington .....	\$	3,893,000
Washington State University .....	\$	2,083,000
Central Washington University .....	\$	405,000
Eastern Washington University .....	\$	489,000
The Evergreen State College .....	\$	212,000
Western Washington University .....	\$	575,000
State Board for Community College Education .....	\$	3,196,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. "Exempt staff" includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	19,058,000
Washington State University	\$	((9,330,000))
		<u>9,367,000</u>
Central Washington University	\$	2,152,000
Eastern Washington University	\$	2,441,000
The Evergreen State College	\$	1,060,000
Western Washington University	\$	2,851,000
State Board for Community College Education	\$	14,667,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified

employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington .....	\$	3,501,000
Washington State University .....	\$	2,365,000
Central Washington University .....	\$	478,000
Eastern Washington University .....	\$	583,000
The Evergreen State College .....	\$	337,000
Western Washington University .....	\$	652,000
State Board for Community College Education .....	\$	3,350,000
Higher Education Coordinating Board .....	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(11) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (8) and (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

Sec. 602. Section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation .....	\$	<del>((516,889,000))</del>
		521,489,000
Medical Aid Fund Appropriation .....	\$	2,553,000
Accident Fund Appropriation .....	\$	2,553,000
Death Investigations Account Appropriation .....	\$	594,000
Total Appropriation .....	\$	<del>((521,789,000))</del>
		527,189,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,500,000 of the general fund appropriation is provided solely for equipment.
- (2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.
- (3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration of the coast of Washington.
- (4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.
- (5) \$200,000 of the general fund appropriation is provided solely for rental costs on a building to house clinical and laboratory space for the treatment of patients with AIDS and the training of health care professionals in such treatment.
- (6) The University of Washington shall take whatever actions are necessary to maximize refunds from the social security administration during the 1987-89 biennium and shall transfer to the general fund the refund received from the social security administration for graduate teaching and research assistants paid from the state general fund from January 1, 1980, through June 30, 1987.
- (7) At least \$10,000 shall be spent for a study on the predation of sockeye smolt in Lake Washington.
- (8) \$300,000 of the general fund—state appropriation is provided solely to conduct an assessment, in consultation with local community organizations in the Puget Sound area, of higher education needs and programs to be offered at branch campuses in accordance with the higher education coordinating board master plan.
- (9) \$5,400,000 of the general fund appropriation is provided solely for additional support for Harborview medical center operations.

Sec. 603. Section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation .....	\$	<del>((287,152,000))</del>
		287,189,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,717,000 is provided solely for equipment.
- (2) Funds are provided to Washington State University to continue the Yakima nursing training program.
- (3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(4) \$165,000 of the appropriation is provided solely for additional training of education professionals at the Southwest Washington joint center for education.

(5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

(6) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

(7) \$37,000 of the appropriation is provided solely for the salary increases for the intercollegiate center for nursing education faculty.

(8) \$119,000 of the appropriation is provided solely for health insurance benefits for agricultural research employees.

PART VII  
SPECIAL APPROPRIATIONS

Sec. 701, Section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account .....	\$	316,600
General Fund Appropriation: For transfer to the Landowner Contingency Forest Fire Suppression Account .....	\$	285,000
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned .....	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers .....	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account .....	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund .....	\$	((5,978,666))
		<u>11,327,000</u>
Liquor Revolving Fund Appropriation: For Transfer to the Miscellaneous Fund—Tort Claims Revolving Fund .....	\$	573,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund .....	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989 .....	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989 .....	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1987 through June 30, 1989 .....	\$	14,200,000
State Employees Insurance Principal Account: For transfer to the General Fund .....	\$	2,700,000

Sec. 702, Section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund .....

\$	((1,125,000))
	<u>1,258,016</u>

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account .....	\$	4,655
Institutional Impact Account .....	\$	36,816
Architects' License Account .....	\$	1,062
Cemetery Account .....	\$	45

Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196
Sec. 703, Section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:		
FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance premiums tax distribution	\$	<del>(6,225,000)</del> 4,599,000
General Fund Appropriation for public utility district excise tax distribution	\$	<del>(21,130,000)</del> 20,879,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	<del>(59,751,000)</del> 58,239,000
General Fund Appropriation for local mass transit assistance	\$	<del>(185,535,000)</del> 183,800,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	<del>(2,152,000)</del> 2,164,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	<del>(10,293,000)</del> 18,266,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	<del>(260,002,000)</del> 278,124,000

Liquor Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	((42,746,666)) <u>42,620,000</u>
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . .	\$	((44,291,666)) <u>46,397,000</u>
Municipal Sales and Use Tax Equalization Account Appropriation . . . . .	\$	((32,174,666)) <u>31,359,000</u>
County Sales and Use Tax Equalization Account Appropriation . . . . .	\$	((11,662,666)) <u>10,788,000</u>
Death Investigations Account Appropriation for distribution to coun- ties for publicly funded autopsies . . . . .	\$	((688,666)) <u>713,000</u>
Total Appropriation . . . . .	\$	((694,681,666)) <u>699,958,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$96,000 is provided from the death investigations account appropriation for the purpose of reimbursing counties up to the maximum level authorized by RCW 68.08.104 for expenses incurred in the 1985-87 biennium.

Sec. 704. Section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund dis- tribution . . . . .	\$	((58,414,661)) <u>75,915,000</u>
General Fund Appropriation for federal flood control funds distribu- tion . . . . .	\$	((24,666)) <u>74,000</u>
General Fund Appropriation for federal grazing fees distribution . . . . .	\$	<u>50,000</u>
Geothermal Account Appropriation—Federal . . . . .	\$	((66,666)) <u>10,000</u>
General Fund Appropriation for distribution of federal funds to coun- ties in conformance with Public Law 97-99 . . . . .	\$	((368,666)) <u>400,000</u>
Total Appropriation . . . . .	\$	((58,848,661)) <u>76,449,000</u>

Sec. 705. Section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

(Fisheries Bond Redemption Fund 1977 Appropriation . . . . .	\$	<del>1,280,467</del>
Salmon Enhancement Bond Redemption Fund 1977 Appropriation . . . . .	\$	<del>5,479,684</del>
Higher Education Refunding Bond Redemption Fund 1977 Appropria- tion . . . . .	\$	<del>8,773,875</del>
Fire Service Training Center Bond Retirement Fund 1977 Appropria- tion . . . . .	\$	<del>1,619,731</del>
Highway Bond Retirement Fund Appropriation . . . . .	\$	<del>171,910,324</del>
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation . . . . .	\$	<del>233,575</del>
Higher Education Bond Redemption Fund 1977 Appropriation . . . . .	\$	<del>19,528,417</del>
Ferry Bond Retirement Fund 1977 Appropriation . . . . .	\$	<del>25,627,988</del>
Emergency Water Projects Bond Retirement Fund 1977 Appropriation . . . . .	\$	<del>2,604,490</del>
Public School Building Bond Redemption Fund 1965 Appropriation . . . . .	\$	<del>1,238,798</del>
Higher Education Bond Retirement Fund 1979 Appropriation . . . . .	\$	<del>10,736,990</del>
State General Obligation Bond Retirement Fund 1979 Appropriation . . . . .	\$	<del>307,961,175</del>
Fisheries Bond Redemption Fund 1976 Appropriation . . . . .	\$	<del>764,034</del>
State Building Bond Redemption Fund 1967 Appropriation . . . . .	\$	<del>656,866</del>
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation . . . . .	\$	<del>11,423,031</del>
Common School Building Bond Redemption Fund 1967 Appropriation . . . . .	\$	<del>6,890,745</del>
Outdoor Recreation Bond Redemption Fund 1967 Appropriation . . . . .	\$	<del>6,292,542</del>
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropria- tion . . . . .	\$	<del>4,067,765</del>
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation . . . . .	\$	<del>10,349,392</del>
State Building and Parking Bond Redemption Fund 1969 Appropria- tion . . . . .	\$	<del>2,448,836</del>
Waste Disposal Facilities Bond Redemption Fund Appropriation . . . . .	\$	<del>57,944,960</del>
Water Supply Facilities Bond Redemption Fund Appropriation . . . . .	\$	<del>11,952,815</del>



Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$ 3,705,665
Recreation Improvements Bond Redemption Fund Appropriation	\$ 5,986,013
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$ 7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$ 9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$ 270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$ 1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$ 559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$ 2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$ 3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$ 424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$ 4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$ 9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$ 372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$ 9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$ 1,190,760
Total Appropriation	\$ 729,653,901))

**(1) FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

Fisheries Bond Redemption Fund 1977 Appropriation	\$ 1,360,800
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$ 4,067,800
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$ 10,349,400
Public School Building Bond Redemption Fund 1965 Appropriation	\$ 1,238,800
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$ 372,900
State Building Bond Redemption Fund 1973 Appropriation	\$ 3,794,200
State Higher Education Bond Redemption Fund 1973 Appropriation	\$ 4,367,200
State Building Authority Bond Redemption Fund Appropriation	\$ 9,452,700
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$ 7,499,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$ 1,190,800
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$ 50,221,900
Water Supply Facilities Bond Redemption Fund Appropriation	\$ 11,750,900
Recreation Improvements Bond Redemption Fund Appropriation	\$ 5,986,900
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$ 3,705,700
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$ 6,292,600
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$ 207,100
Fisheries Bond Redemption Fund 1976 Appropriation	\$ 764,100
Higher Education Bond Redemption Fund 1975 Appropriation	\$ 2,165,800
State Building Bond Retirement Fund 1975 Appropriation	\$ 424,800
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$ 9,475,900
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$ 2,603,500
Higher Education Bond Redemption Fund 1977 Appropriation	\$ 16,435,200
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$ 4,327,100
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$ 1,329,300
State General Obligation Bond Retirement Fund 1979 Appropriation	\$ 265,044,100
Total Appropriation this Subsection	\$ 424,428,900

**(2) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$ 1,164,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$ 271,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 3,078,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$ 8,474,100
Total Appropriation this Subsection	\$ 12,988,000

**(3) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,437,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,758,100
Higher Education Bond Retirement Fund 1979 Appropriation	\$	7,279,200
Washington State University Bond Redemption Fund 1977 Appropriation	\$	532,500
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	23,569,300
Total Appropriation this Subsection	\$	60,350,000

**(4) FOR DEBT TO BE PAID BY MOTOR VEHICLE REVENUE**

Highway Bond Retirement Fund Appropriation	\$	160,379,000
Ferry Bond Retirement Fund 1977 Appropriation	\$	24,683,800
Total Appropriation this Subsection	\$	185,062,800

**(5) FOR DEBT TO BE PAID BY STATUTORILY SET REVENUE**

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,800
State Building Bond Redemption Fund 1967 Appropriation	\$	656,900
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,900
Total Appropriation this Subsection	\$	9,996,600
Total	\$	692,826,100

Sec. 706. Section 708, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:  
**BOND RETIREMENT—STATE TRADE AND CONVENTION CENTER**

The following is appropriated from the state trade and convention center account for reimbursement to the general fund for the transfer to the state general obligation bond retirement fund for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

State Convention and Trade Center Account Appropriation	\$	<del>(19,746,278)</del> 21,135,000
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Sec. 707. Section 709, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:  
**BOND RETIREMENT—SPOKANE RIVER TOLL BRIDGE**

The following is appropriated from the Spokane River toll bridge revolving account to the Spokane River toll bridge account for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

Spokane River Toll Bridge Revolving Account Appropriation	\$	<del>(869,088)</del> 889,100
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**NEW SECTION.** Sec. 708. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

**FOR SUNDRY CLAIMS**

General Fund Appropriation	\$	10,000,000
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This appropriation is for payment of the state's portion of a comprehensive settlement in IN RE WASHINGTON PUBLIC POWER SUPPLY SYSTEM SECURITIES LITIGATION (U.S. Dist. Ct. Ariz. MDL 551) which settlement includes a relinquishment of all claims by the bondholder class of WPPSS projects numbers 4 and 5 against the state of Washington.

**PART VIII  
 CAPITAL APPROPRIATIONS**

**NEW SECTION.** Sec. 801. A new section is added to chapter 6, Laws of 1987 1st ex. sess. to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

To purchase trust lands from the department of natural resources for the extension of Iron Horse state parks into the John Wayne pioneer trail. (89-5-006)

		Reappropriation	Appropriation
Trust Land Purchase Acct			200,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			200,000

**NEW SECTION.** Sec. 802. A new section is added to chapter 6, Laws of 1987 1st ex. sess. to read as follows:

**FOR THE MILITARY DEPARTMENT**

Minor Works—HVAC Renovation (89-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		274,000
General Fund—Federal		274,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		548,000

Sec. 803. Section 518, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON  
Suzzallo Library addition (88-3-013)

~~((The appropriation in this section is subject to the following conditions and limitations: Disbursements from the state building construction account shall not exceed \$7,917,000 in the 1987-89 biennium.))~~

St Bldg Const Acct	Reappropriation	Appropriation
Project Costs Through 6/30/87 1,043,000	Estimated Costs 7/1/89 and Thereafter	28,283,000 Estimated Total Costs 33,626,000

Sec. 804. Section 837, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ~~((GAME))~~ WILDLIFE  
Satsop river: Acquisition and redevelopment (86-2-029)

ORA, State	Reappropriation	Appropriation
ORA, Federal	75,000 8,000	Estimated Total Costs 85,000
Project Costs Through 6/30/87 2,000	Estimated Costs 7/1/89 and Thereafter	

#### PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 902. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 903. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 904. The following acts or parts of acts are each repealed:

(1) Section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified);

(2) Section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified);

(3) Section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified);

(4) Section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified);

(5) Section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified);

(6) Section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified);

(7) Section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified);

(8) Section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified);

(9) Section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified);

(10) Section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified);

(11) Section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified);

(12) Section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified);

(13) Section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified);

(14) Section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and

(15) Section 56, chapter 112, Laws of 1988 (uncodified).

**NEW SECTION.** Sec. 905. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 906. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

Senator Murray moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 7, line 14, strike "2,415,907,000" and insert "2,416,240,000"

On page 7, line 20, strike "4,398,657,000" and insert "4,398,990,000"

On page 8, line 1, strike "193,309,000            255,598,000"  
and insert "193,642,000            255,931,000"

On page 8, line 14, strike "2,415,907,000    4,398,657,000"

and insert "2,416,240,000            4,398,990,000"

On page 10, after line 18, insert the following:

"(13) \$333,000 of the general fund--state appropriation is provided solely to increase family foster care rates, private agency fees, and purchased services for children in family foster care. Rates shall be increased effective May 1, 1989, in accordance with the revised foster care rate structure recommended by the December, 1988, foster care rate study report to the legislature by the department of social and health services."

Debate ensued.

Senator Murray demanded a roll call and the demand was sustained.

#### MOTION

On motion of Senator Anderson, Senator von Reichbauer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Murray on page 7, lines 14 and 20, page 8, lines 1 and 14, and page 10, after line 18, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1479.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the constitutional 60% majority, were not adopted by the following vote: Yeas, 21; nays, 21; excused, 7.

Voting yea: Senators Brauer, Bender, Conner, Fleming, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Smith, Smitherman, Stratton, Sutherland, Taimadge, Vognild, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Matson, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Thorsness, West - 21.

Excused: Senators DeJarnatt, Gaspard, Hansen, McCaslin, Rinehart, von Reichbauer, Warnke - 7.

#### MOTION

Senator Williams moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 11, after line 21, insert the following:

**"NEW SECTION.** Sec. 205. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund Appropriation--State ..... \$            \$1,077,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to offset any loss of federal funds for the department's emergency management program. The office of financial management is to hold this appropriation

in reserve until after the department of community development has made a good faith effort to resume its federal funding. The department is directed to accommodate any federal requirements to receive such funds while keeping within state law."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 11, after line 21, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1479.

The motion by Senator Williams failed and the amendment to the committee amendment was not adopted.

#### MOTION

Senator Talmadge moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 15, line 7, strike "51,886,000" and insert "~~(51,886,000)~~ 52,266,000"

On page 16, line 6, strike "116,580,000" and insert "116,960,000"

On page 17, after line 36, insert the following:

"(16) \$380,000 of the general fund--state appropriation is appropriated to the Coastal Protection Account and provided solely for personnel and equipment related to oil spill clean-up and damage assessment."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge on page 15, line 7, page 16, line 6, and page 17, after line 36, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1479.

#### ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the constitutional 60% majority, were not adopted by the following vote: Yeas, 20; nays, 21; absent, 1; excused, 7.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Owen, Rasmussen, Smitherman, Stratton, Sutherland, Talmadge, Vognlid, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Thorsness - 21.

Absent: Senator West - 1.

Excused: Senators DeJarnatt, Gaspard, Hansen, McCaslin, Rinehart, von Reichbauer, Warnke - 7.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1479.

The Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1479 was adopted.

#### MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget," strike the remainder of the title and insert "amending section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified); amending section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified); amending section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified); amending section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified); amending section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified); amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified); amending section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified); amending section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section

309, chapter 289, Laws of 1988 (uncodified); amending section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified); amending section 318, chapter 7, Laws of 1987 1st ex. sess. as amended by section 311, chapter 289, Laws of 1988 (uncodified); amending section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified); amending section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified); amending section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified); amending section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified); amending section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 514, chapter 289, Laws of 1988 (uncodified); amending section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified); amending section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified); amending section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified); amending section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified); amending section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified); amending section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified); amending section 708, chapter 289, Laws of 1988 (uncodified); amending section 709, chapter 289, Laws of 1988 (uncodified); amending section 518, chapter 6, Laws of 1987 1st ex. sess. (uncodified); and amending section 837, chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 7, Laws of 1987 1st ex. sess.; creating new sections; repealing section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified); repealing section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified); repealing section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified); repealing section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified); repealing section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified); repealing section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified); repealing section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified); repealing section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified); repealing section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified); repealing section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified); repealing section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified); repealing section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified); repealing section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified); repealing section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and repealing section 56, chapter 112, Laws of 1988 (uncodified); and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1479, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1479, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 9; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, West - 33.

Voting nay: Senators Conner, Madsen, McMullen, Moore, Murray, Niemi, Talmadge, Williams, Wojahn - 9.

Excused: Senators DeJarnatt, Gaspard, Hansen, McCaslin, Rinehart, von Reichbauer, Warnke - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUEST

Senator Thorsness introduced Page Colin Clark, a student at Jefferson Middle School in Olympia, and a Page for the past week in the State Senate, who called the roll from memory on Engrossed Substitute House Bill No. 1444, as amended by the Senate.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 13, 1989

Mr. President:

The House has passed:

SENATE BILL NO. 5154,  
 SENATE BILL NO. 5246,  
 SENATE BILL NO. 5329,  
 SUBSTITUTE SENATE BILL NO. 5348,  
 SENATE BILL NO. 5552,  
 SENATE BILL NO. 5592,  
 SENATE BILL NO. 5679,  
 SENATE BILL NO. 5689,  
 SENATE BILL NO. 5701,  
 SENATE BILL NO. 5737,  
 SENATE BILL NO. 5738,  
 SUBSTITUTE SENATE BILL NO. 5903,  
 SENATE JOINT MEMORIAL NO. 8010,  
 SENATE JOINT RESOLUTION NO. 8210, and the same are herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5154,  
 SENATE BILL NO. 5246,  
 SENATE BILL NO. 5329,  
 SUBSTITUTE SENATE BILL NO. 5348,  
 SUBSTITUTE SENATE BILL NO. 5418,  
 SENATE BILL NO. 5552,  
 SENATE BILL NO. 5592,  
 SENATE BILL NO. 5679,  
 SENATE BILL NO. 5689,  
 SENATE BILL NO. 5701,  
 SENATE BILL NO. 5737,  
 SENATE BILL NO. 5738,  
 SUBSTITUTE SENATE BILL NO. 5903,  
 SENATE JOINT MEMORIAL NO. 8010,  
 SENATE JOINT RESOLUTION NO. 8210.

## MOTION

At 6:43 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Saturday, April 15, 1989.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.



**HISTORY OF BILLS  
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